



Board of
Behavioral
Sciences

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MEETING NOTICE

Policy and Advocacy Committee January 31, 2013

Department of Consumer Affairs
El Dorado Room
1625 North Market Blvd., #N220
Sacramento, CA 95834

11:00 a.m.

- I. Introductions*
- II. Review and Approval of the November 1, 2012 Policy and Advocacy Committee Meeting Minutes
- III. Legislative Update
- IV. Rulemaking Update
- V. Discussion and Recommendations for Possible Action Regarding Proposed Omnibus Bill Amending Business and Professions Code Sections 4980.36, 4999.33, 4980.43(b), 4996.23, 4999.47(a), 4980.54, 4980.72, 4999.60, 4989.68, 4996.3, 4996.18, 4999.20, and 4999.46
- VI. Discussion and Recommendations for Possible Rulemaking Action to Implement Senate Bill 704, Statutes of 2011, Chapter 387 - Examination Restructure.
- VII. Discussion and Recommendations for Possible Rulemaking Action Regarding Proposed Revisions to California Code of Regulations, Title 16, Division 18, Article 8 Board of Behavioral Sciences Continuing Education Requirements.
- VIII. Public Comment for Items Not on the Agenda
- IX. Suggestions for Future Agenda Items
- X. Adjournment

**Introductions are voluntary for members of the public.*

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Items will be considered in the order listed. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda. This agenda as well as board meeting minutes can be found on the Board of Behavioral Sciences' website at www.bbs.ca.gov.

NOTICE: *The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or by sending a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*



Governor
Edmund G. Brown Jr.
State of California
State and Consumer
Services Agency
Department of
Consumer Affairs

Policy and Advocacy Committee Minutes - *DRAFT*

November 1, 2012

Department of Consumer Affairs
1625 N. Market Blvd., #N-220
El Dorado Room
Sacramento, CA 95834

Members Present

Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Asst. Executive Officer
Marc Mason, Administrative Manager
Rosanne Helms, Legislative Analyst
Dianne Dobbs, Legal Counsel

Members Absent

Renee Lonner, Chair, LMFT Member

Guest List

On file

FULL BOARD OPEN SESSION

I. Call to Order and Establishment of a Quorum

Due to Renee Lonner's absence, Dr. Christine Wietlisbach served as acting Chair to the Policy and Advocacy Committee (Committee). Dr. Wietlisbach called the meeting to order at 1:37 p.m. Kim Madsen took roll, and a quorum was established.

The Committee, Board staff, and meeting attendees introduced themselves.

II. Review and Approval of the July 19, 2012 Policy and Advocacy Committee Meeting Minutes

Dr. Wietlisbach referred to the following sentence on page 3 and requested clarification: This implies that a licensee in another state may not counsel an individual while located in the state of California, unless they hold a California license.

Ms. Madsen explained that a person licensed in another state cannot provide services to anyone in California. The following language was suggested to clarify the meaning of the sentence: This implies that a licensee in another state may not counsel an *individual located* in the state of California unless *the licensee* holds a California license.

Dr. Wietlisbach referred to the following paragraph on page 3: The Texas Department of State Health Services licenses marriage and family therapists, social workers, and professional counselors in that state. A license is required to counsel any clients in Texas.

Dr. Wietlisbach suggested the following change to the last sentence of that paragraph: A Texas license is required to counsel any clients in Texas.

Christina Wong moved to approve the Policy and Advocacy Committee minutes as amended. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

III. Legislative Update

Ms. Helms presented the following legislative updates:

- The Board's sponsored bill, SB 1527, was signed into law. This bill requires social workers to have training in California Law and Ethics. It also clarifies the acceptability of older exam scores.
- The Board's Omnibus Bill, SB 1575, was signed into law. This bill extended the date of the exam restructure from January 1, 2013 to January 1, 2014.
- The Board's Sunset Bill was signed to extend the sunset date to January 1, 2017.

Other bills that were signed into law and become effective January 1, 2013:

- SB 1172, Sexual Orientation Change Efforts - This bill states that it is unprofessional conduct to provide services related to sexual orientation change efforts on a person under the age of 18.
- AB 1904 regarding military spouses – This bill will require the Board to expedite the license of an applicant whose spouse is a military member in the state of California.

Ben Caldwell, American Association for Marriage and Family Therapy California Division (AAMFT-CA), provided clarification regarding SB 1051. He stated that SB 1051 included the same changes as AB 40 (Elder and Dependent Adult Abuse Reporting), but it was tagged as emergency legislation and took effect immediately upon signing in September. Those changes are currently in effect.

IV. Rulemaking Update

Ms. Helms provided the updates on the following regulatory packages:

- SB 1111, Enforcement Regulations – The Board must set a second notice for a 15-day public comment. This proposal will be presented to the Board on November 8, 2012.
- Revision of Advertising Regulations, Two-Year Practice Requirement for Supervisors of Associate Social Workers (ASW), and HIV/AIDS Continuing Education Course for Licensed Professional Clinical Counselors (LPCC) - The Board is close to submitting the proposal to the Administrative Office of Law (AOL).
- SB 363, Marriage Family Therapist Intern Experience – This proposal is behind the advertising package by a couple of procedural steps.
- Disciplinary Guidelines Regulations – The Board set a second notice for a 15-day public comment. The proposal will be presented to the Board on November 28, 2012.

V. Discussion and Recommendations for Possible Regulatory Action Regarding the Implementation of SB 1441, Chapter 548, Statutes of 2008

Ms. Helms presented the proposed regulation regarding the implementation of SB 1441.

SB 1441 is a regulatory proposal that the Department of Consumer Affairs (DCA) and the Legislature is asking all healing arts licensing boards to run. It creates uniform standards for discipline that the boards must abide by in cases of substance abusing licensees or registrants. This proposal was prompted by a concern at the Legislature that there is a lack of a consistent policy across DCA's healing arts boards for dealing with licensees or registrants who abuse drugs and alcohol.

This bill required DCA to establish the Substance Abuse Coordination Committee (SACC). The SACC was tasked with formulating uniform and specific standards in specified areas that each board would be required to use in dealing with substance abusing licensees. The goal of this process was to create consistent and uniform standards which healing arts boards would adopt through regulation, allowing consumers better and more consistent protection from substance abusing licensees.

SB 1441 outlined 16 separate topic areas for which the SACC formulated uniform standards. Based on the standards created by the SACC, Board staff drafted amendments which incorporated the uniform standards into the Disciplinary Guidelines, as appropriate.

An earlier draft of these proposed regulations was presented to the Board at its November 2011 meeting. Due to legal questions that were raised about whether the SACC or the DCA boards should be the entities to implement these regulations, the Board directed staff to seek further guidance from DCA before considering the regulations.

Legal opinions were received by the Legislative Counsel and the Office of the Attorney General. The Attorney General stated that the SACC was not vested with the authority to implement the Uniform Standards, and that this authority lies with the individual boards. DCA shares the opinion of the Attorney General.

DCA recommends that healing arts boards move forward as soon as possible to implement the Uniform Standards.

DCA suggested that the boards work with their assigned legal counsel to determine how best to implement the Uniform Standards. Each Board should determine the following:

1. If the Uniform Standards should be placed in a regulation separate from the disciplinary guidelines; and
2. A definition or criteria to determine what constitutes a "substance-abusing licensee."

Staff has made modifications to the previous version of the regulations and asked DCA Legal to review them in order to verify compliance.

1. As the Uniform Standards directly affect the Disciplinary Guidelines, staff recommends that they remain one document.
2. Rather than specifically defining a "substance-abusing licensee," which can be difficult to define, staff recommends defining a substance abuse violation for which the Uniform Standards would apply. This is defined as the following circumstances:
 - The Board finds conduct which is a violation that involves drugs and/or alcohol; and

- The licensee or registrant does not rebut that the violation is a substance abuse violation; and
- The licensee, registrant, or the Board does not establish that appropriate public protection can be provided with modification or omission of any of the Uniform Standards.

Staff recommended that the Uniform Standards be placed in a regulation together with the disciplinary guidelines. Staff recommended a definition of a violation instead of labeling a registrant/licensee as a “substance-abusing registrant/licensee.”

Additional changes were recommended by legal counsel. It was recommended that any references to “controlled substance” within the Disciplinary Guidelines should be changed to “controlled substance and/or use of alcohol.”

Ms. Helms referred to the following sentence on page 29, #9 of the Disciplinary Guidelines: The Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse. Legal counsel suggested inserting “listed herein.”

Christina Wong moved to direct staff to make any discussed or any non-substantive changes and submit to the Board for approval as a regulatory proposal. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

VI. Discussion and Recommendations for Possible Action Regarding Proposed Omnibus Bill Amending Business and Professions Code Sections 4980.36, 4999.33, 4980.43(b), 4996.23, 4999.47(a), 4980.54, 4980.72, 4999.60, 4989.68, 4996.3, 4996.18, and 4999.46

Ms. Helms presented several sections of the Business and Professions Code (BPC) pertaining to the Board of Behavioral Sciences that require amendments. These amendments are as follows:

1. Amend BPC Sections 4980.36 and 4999.33 – Child Abuse Assessment and Reporting
These sections describe the qualifying degree program required to obtain licensure as a Licensed Marriage and Family Therapist (LMFT) or an LPCC, if the applicant began graduate study after August 1, 2012. Unlike the requirements for graduate study prior to August 1, 2012, these sections do not specify that the instruction in child abuse assessment and reporting must be at least seven hours in length, and must meet the requirements of BPC Section 28.

Because the requirements of BPC Section 28 are still in effect, staff recommends an amendment to Sections 4980.36 and 4999.33 that will clarify that the course must be seven hours in length and meet certain other requirements specified in Section 28.
2. Amend BPC Sections 4980.36 and 4999.33 – Instruction in Severe Mental Illness
These sections state that coursework addressing severe mental illness is required for licensure. The law specifies that this coursework may be provided either as credit-level coursework, or through extension programs offered by the degree-granting institution.

Using the term “the degree-granting institution” implies that if the applicant chooses to take this course through an extension program, it must be the extension program of the same school which grants his or her degree. Staff suggests the Board consider an amendment to use the term “an accredited or approved degree granting institution.”

This would allow an applicant to take this course from the extension program of a degree granting institution other than his or her own school.

3. Amend BPC Sections 4980.43(b), 4996.23, and 4999.47(a) – Experience Gained as an Independent Contractor

The law allows LMFT, Licensed Clinical Social Worker (LCSW), and LPCC applicants to gain experience hours as a W-2 employee or a volunteer, but not as an independent contractor. However, the Board gets a significant number of applications for exam eligibility from individuals who are contracting and receiving a 1099 tax form. Some applicants think that because the statute says “employed”, they can be 1099 employees, which is incorrect.

Staff recommends an amendment to the law to clarify that experience gained as an independent contractor and/or reported on an IRS Form 1099 does not count toward licensure.

4. Amend BPC Sections 4980.72 and 4999.60 – Out-of-State Licensee Experience

These sections set examination eligibility requirements for out-of-state LMFT and LPCC licensees. One of the requirements for examination eligibility is that the applicant's supervised experience is substantially equivalent to the Board's experience requirements. It states that the Board will consider out-of-state experience obtained during the six-year period immediately preceding the date the applicant obtained his or her out-of-state license.

If a licensee has been licensed for many years out-of-state, it may not be appropriate to look only at experience obtained prior to licensure. The Board's out-of-state LCSW applicants are permitted to count time actively licensed at a rate of 100 hours per month, up to a maximum of 1,200 hours, if they are short hours of supervised experience. This method takes into account experience as a licensee in addition to pre-licensure experience.

Staff recommends amending the out-of-state licensee experience requirements for LMFT and LPCC applicants to count time actively licensed as experience at a rate of 100 hours per month, up to 1,200 hours.

5. Amend BPC Sections 4989.68 and 4996.3 – LEP and LCSW Delinquency Fee

These sections state that the delinquent renewal fee for a license is \$75. However, this is intended to be a maximum amount; Section 1816.7 of the California Code of Regulations (CCR) set the delinquency fees for LEPs and LCSW licensees at \$40 and \$50, respectively. It is standard practice for maximum fee rates to be established in statute, and then to have the current rate to be charged established through regulations. Therefore, clarification is needed that the delinquency fees referenced in 4989.68(a)(4) and 4996.3(a)(9) are maximum fee amounts.

Staff recommends amending BPC Section 4989.68(a)(4) and 4996.3(a)(9) to state that the delinquency fee shall be a maximum amount of \$75. The Board would continue to charge the current, lower delinquency fees as established in regulations.

6. Amend BPC Section 4996.18 – ASW Supervision

The LMFT and LPCC statutes each have a subsection which states that all applicants and interns must always be under the supervision of a supervisor who is responsible to

the Board for compliance with all laws and regulations. This implies that an applicant who is finished gaining hours and is in the exam cycle must continue to be supervised. While this is also true for ASWs, there is no similar language in statute to clarify this.

Staff recommends amending Section 4996.18 to clarify that applicants and associates must at all times be under the supervision of a supervisor who is responsible to the Board.

7. Amend BPC Section 4999.46 – Telephone Counseling Experience Hours

This section allows an LPCC applicant to count up to 250 hours of experience providing crisis counseling over the telephone.

Staff believes this reference to telephone counseling needs to be updated. LMFT law now references telehealth instead of simply telephone counseling, and allows up to 375 hours to be gained to account for various possible mediums (telephone, internet, etc.) Staff recommends an amendment allowing up to 375 experience hours to be gained counseling via telehealth, as this is already allowed for LMFT applicants.

8. Amend BPC Section 4999.46 – LPC Intern Supervision

This section outlines the requirements for direct supervisor contact for LPC interns. In general, an LPC intern must have at least one hour of direct supervisor contact during each week that experience is credited.

This statute is also in place for MFT interns. In last year's omnibus bill, the LMFT statute was amended to exclude professional enrichment activities, such as attendance at workshops, seminars, training sessions, or conferences, from the direct supervision requirement.

Staff recommends amending Section 4999.46(g) so that LPC interns are also not required to have direct supervision for attendance at workshops, seminars, training sessions, or conferences.

Dr. Wietlisbach referred to #3 and asked why a 1099-employee cannot count their hours.

Janlee Wong, National Association of Social Workers California Division (NASW-CA), responded that there is a technical reason for this. He explained that employers use this to avoid paying employment taxes; however, the Franchise Tax Board views the employee as an independent contractor not subject to supervision or direction by their employer. If they are subject to supervision, then the employer is in violation of the employment law.

Mr. Wong added that legally, a 1099 employee can refuse the supervision of their employer.

Mr. Caldwell referred to #2, and stated that it was odd that a degree program would not offer coursework in severe mental illness.

Dean Porter, California Association for Licensed Professional Counselors (CALPCC), referred to Section 4999.33. This section outlines a list of coursework that must be integrated in the degree. Ms. Porter referred specifically to Systems of Care for the Severely Mental Ill. This is the only coursework that is allowed to be made up outside of the degree program. Ms. Porter asked why this coursework is allowed to be taken through extension. She asked if there would be coursework in this area since the section does not outline the number of hours required for

this coursework. She also asked if this extension credit would need to be graduate credit or extension credit.

Ms. Helms stated that perhaps the schools did not offer the coursework through the degree program and somehow the schools were able to offer it through an extension program.

Mr. Wong, NASW-CA, stated that the definition of severe mental illness is vague. This definition refers typically to people in state mental hospitals, for example; not those typically seen in an LMFT or LPCC private practice.

Mr. Caldwell stated that in a diagnosis class, it would seem very unusual that a student would not have any instruction in severe mental illness. But it doesn't seem to come up in the applications received by the Board.

Ms. Madsen replied that it does not come up. The coursework that is most likely deficient is Spousal Abuse and Chemical Dependency.

Mr. Caldwell referred to #4, and expressed on behalf of AAMFT-CA, this proposal is in the interests of being equal among the professions and is reasonable for those who have been licensed for a long time. Being licensed does not guarantee experience. He suggested adding some language to the application, attesting that the applicant has been in practice for at least half-time so that the 100 hours they are receiving credit for matches up to about half of the actual experience.

Mr. Caldwell referred to #8. He stated that it would be more appropriate to address Professional Clinical Counselor Interns as PCC Interns instead of LPC (Licensed Professional Counselor) Interns. Jill Epstein, California Association of Marriage and Family Therapists (CAMFT), agreed.

Mr. Caldwell added a recommendation for the Omnibus Bill. He stated that the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), which is named in section 4098.36(b), may be dropping its U.S. Department of Education recognition next year. Currently, the way the law is written, there is no need for COAMFTE to be recognized by the U.S. Department of Education for a COAMFTE degree to be recognized in California. The AAMFT central office has recommended some minor changes to that section of law. AAMFT-CA will send the specific proposal to Board staff.

Christina Wong moved to direct staff to make any non-substantive changes to the proposed language and recommend that the Board sponsor legislation to make the proposed changes. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

The Committee took a break at 2:56 p.m. and reconvened at 3:07 p.m.

VII. Discussion and Recommendations for Possible Rulemaking Action to Require All Applicants to Submit a National Data Bank Inquiry Result

Steve Sodergren presented the proposed rulemaking action relating to the National Data Bank Inquiry Result.

This item has been discussed at previous Committee meetings. During the July 2012 Committee meeting, it was decided that it would be beneficial to require applicants to submit a NPDB self-query to the Board when applying for licensure.

At the August 2012 Board meeting, concern was expressed in regards to the possibly increased workload for Board staff. Initially, this would require the Board to establish regulations and create or amend application forms. Once established, the procedure for reviewing the query results would follow the same enforcement procedures that exist for the fingerprinting review. Determining the extent as to how this could increase staff workload is difficult because it is unknown how many queries the Board might receive which would reveal an adverse action. The Board directed staff to perform additional research in order for the Policy and Advocacy Committee to continue this discussion.

An initial survey of the healing arts boards within DCA confirmed that out of the nine boards which responded, only four boards currently utilize the NPDB. Staff expressed that utilizing the NPDB would be beneficial. Mr. Sodergren would make a recommendation to utilize the NPDB for out of state applicants, requiring those applicants to submit for a self-query when applying for licensure or exam eligibility.

Ms. Epstein asked what is to be gained from requiring this from out of state applicants and not from California applicants. Ms. Madsen replied that the NPDB would provide information on adverse actions from out of state agencies. As for California applicants, adverse actions from California agencies are reported to the Board. Furthermore, the Board has resources available to staff to research adverse actions taken by California agencies.

Marc Mason recommended further consideration of utilizing the NPDB for all applicants, not just out-of-state applicants, because it will appear to law makers that this is a restriction for out-of-state applicants.

Mr. Caldwell added that AAMFT-CA will want an explanation as to why out-of-state applicants are subjected to the added costs and requirements.

Mr. Wong, NASW-CA, expressed his concern for increased workload on Board staff. He suggested utilizing the easiest, least intensive process. He expressed that the self-query will be a lot of additional work for Board staff. However, this addresses a concern in the Sunset Review. If legislatures have concerns about that, they can be reminded that this came about through the Sunset Review.

Dianne Dobbs asked if staff is also proposing to take a look at licensees who are currently in California that hold another professional license in California. Ms. Madsen replied that would be equitable. Mr. Sodergren agreed.

Mr. Caldwell asked if that would apply to only new applicants or to existing licensees as well. Ms. Madsen replied that it would apply to existing licensees as well.

Ms. Wong asked if this would apply to licensees that hold inactive licenses, moved out-of-state, that held a license in another state but no longer holds that license. Ms. Madsen replied that these are good points to consider.

Dr. Wietlisbach stated that this is about consumer protection, not about staff workload.

Christina Wong moved to recommend the Board sponsor legislation that would require a self-query from every applicant and licensee who has had or currently holds another professional license in California or a license from another jurisdiction from the date of the inception of the NPDB. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

VIII. Discussion and Recommendations for Possible Rulemaking Action Regarding Revisions to California Code of Regulations, Title 16, Section 1820.5, Licensed Professional Clinical Counselors: Requirements to Work with Couples and Families

Ms. Helms presented the proposed rulemaking regarding revisions to LPCC requirements to work with couples and families.

Under current law, LPCCs, interns (PCC interns), and trainees may not treat couples or families unless they complete certain specified additional training and education.

In addition, Section 1820.5 of the California Code of Regulations (CCR) outlines exemptions for LPC licensees, interns and trainees to allow them to treat couples or families if they are in the process of gaining their required 500 hours of supervised experience in order to do so.

The Board is now in the process of issuing its first Professional Clinical Counselor licenses and registrations. As these new practitioners attempt to gain the experience and education necessary to treat couples or families, the following questions have been frequently posed to staff regarding the requirements of Section 1820.5.

1. What documentation of the additional education/experience is needed?

There is no procedure outlined in statute for a licensee or registrant to apply to be able to treat couples or families based on their completion of the requirements.

The Board may choose to audit a licensee or registrant who is treating couples or families in certain cases to see if they meet the requirements.

These scenarios raise the question of how a LPCC licensee or intern who has met the requirements to treat couples or families should document their experience and training, in case they are ever asked to provide it as evidence to the Board.

Board staff is currently working on a voluntary form that the practitioner may fill out and keep for his or her records.

In addition, staff recommends an amendment to CCR Section 1820.5. This amendment would state that LPCC licensees, interns, and trainees must maintain records of their additional education and experience. Placing this requirement in regulation clarifies that the practitioner is responsible for keeping such records. This requirement is similar to the current requirement that licensees maintain records of their continuing education coursework in case of a Board audit.

2. Does an LPCC licensee need to meet the additional education and experience requirements in a particular order?

Currently, CCR Section 1820.5 states that an LPCC is exempt from the additional requirements to treat couples or families if:

- a. He or she is in the process of gaining supervised experience to comply with the additional requirements;
- b. He or she is gaining supervised experience from an LMFT or an LPCC who already meets the additional requirements;
- c. He or she *has completed* the required six semester/nine quarter units focused on the theory and application of marriage and family therapy or a named specialization or emphasis area in marriage and family therapy, marital and

family therapy, marriage, family and child counseling, or couple and family therapy; and

- d. Completes at least six hours of continuing education specific to marriage and family therapy in each renewal cycle.

The term “has completed” in item (c) implies that an LPCC licensee gaining the supervised experience required to treat couples or families must *first* complete the additional required education specific to marriage and family therapy. However, CCR Section 1820.5 makes no specification of the order of this requirement for PCC interns or trainees; the requirement is only for licensees.

It seems inequitable to allow an PCC intern to gain experience working with couples or families either before or while he or she is obtaining the required additional education, but require an LPCC to wait until completing the education before beginning to gain the experience. In addition, it may create a hardship for LPCCs who had earned the supervised experience in the past, if they had not first completed the required marriage and family therapy coursework. In such a case, the LPCC would technically meet the requirements, but would need to make up the supervised experience because it was not completed in the “correct” order.

3. Must the supervised experience be obtained from an approved supervisor?

CCR Section 1820.5 states that the supervised experience that is required for an LPCC or PCC intern or trainee to treat couples or families must be gained under the supervision of either a marriage and family therapist or under a licensee who meets all of the requirements to treat couples or families specified in BPC Section 4999.20.

The code is silent on whether this supervisor must be a Board-approved supervisor.

It is not known if the law’s intent was for the supervised experience required to treat couples or families be gained under an approved supervisor, or if the intent was to only require that the supervisor be able to treat couples or families.

Mr. Caldwell commented on item (1) stating that a document for additional education/experience is appropriate. He commented on item (2) stating the intent was to allow people to gain education and experience concurrently. Mr. Caldwell commented on item (3) stating that the intent was to require an approved supervisor.

Ms. Porter commented on item (3) stating that at the time, the definition of an “approved supervisor” was not discussed. She does not want that time to not count if this language were to change. She commented on item (2) stating that some people may already be getting that supervision based on current law. For those who have already completed their supervision but it included families and children, and to require them to take another course in marriage and family therapy and another 500 hours with couples and families is difficult. She requested that the Board be flexible in this.

Ms. Wong expressed that supervision is the most important thing; sequence is probably not as important.

After some discussion regarding the language of the proposed amendments, a change was recommended on Section 1820.5(b)(2): The supervised experience is gained under the direct supervision of a marriage and family therapist or a *licensed professional clinical counselor* who

meets all requirements specified in Section 4999.20 (a)(3) of the Code, and who is an approved supervisor, as defined in Section 4999.12 of the Code.

Regarding item (2), Mr. Caldwell stated that he was not concerned with the sequence. He was more concerned with all of the experience gained and then taking the classes at the end. He does not have an issue with gaining experience and taking the classes concurrently.

Dr. Wietlisbach requested that the associations take a look at the sequence and provide feedback before a recommendation be made.

Ms. Helms summarized the changes as follows:

- Item (3) – Section 1820.5(b)(2), striking the term “licensee” and replacing it with “licensed professional clinical counselor.”
- Item (2) - CCR Section 1820.5(b)(3)(A), amending the term “has completed” to “completes.”

As for item (1), Ms. Madsen suggested further discussion with the full Board.

Christina Wong moved to direct staff to bring a recommendation to the Board for a discussion regarding the documentation of additional education or experience, and to recommend to the Board to make any discussed changes and any non-substantive changes to the following: (1) completing education and experience without specifying a sequence, and (2) clarify that a supervisor must be an approved supervisor. Dr. Christine Wietlisbach seconded.

Mr. Caldwell offered the option of requiring the supervisor to document the couple and family experience for the supervisee.

The Committee voted unanimously (2-0) to pass the motion.

IX. Discussion and Recommendations for Possible Action to Sponsor Legislation to Allow Licensed Marriage and Family Therapist Applicants to Remediate Specific Coursework

Ms. Helms presented.

This proposal would allow an LMFT applicant to remediate one course work deficiency and would clarify that LCSWs are also allowed to remediate certain coursework deficiencies.

Under current law, an LMFT applicant who applies for licensure must demonstrate that the degree covers specific topic areas. Similar requirements are in place for LPCC and LCSW applicants. However, the law makes it more difficult for LMFT applicants to remediate deficiencies in the degree. Therefore, staff is proposing amendments to make the law for remediation of deficient coursework more equitable across the Board’s license types.

Current law for degree content is summarized as follows:

1. LMFT Applicants – Graduate Study Begun After August 1, 2012

This group of LMFT applicants must obtain a degree that meets certain specified content area requirements. This is called a “single integrated degree program.” If the applicant is deficient in one of the content areas, the applicant must return to graduate study and obtain an entirely new degree.

2. LMFT Applicants – Graduate Study Begun Before August 1, 2012

This group of LMFT applicants must obtain a degree that meets certain specified content area requirements. In addition, in order to sit for the licensing examinations, there are additional coursework requirements, some of which must be completed within the degree, and some of which may be remediated outside of the degree either through graduate-level work or from a CE provider. However, the areas of alcoholism and other chemical substance dependency, and spousal or partner abuse, must be obtained within the degree program. Although an out-of-state MFT applicant may remediate this coursework, an in-state applicant cannot. Therefore, an in-state applicant missing one of these areas must return to graduate study and obtain an entirely new degree.

3. LCSW Applicants

LCSW applicants must obtain a degree from an accredited school of social work. Because the accreditation standards specify standard coursework, LCSW law does not list as many specific coursework requirements as the LMFT and LPCC laws. LCSW law states that the applicants must have coursework in alcoholism and chemical substance dependency, spousal or partner abuse, human sexuality, and child abuse assessment and reporting. All of this coursework may be completed through graduate-level work or from a CE provider. However, recently questions have been raised regarding remediation of the spousal and partner abuse coursework through CE providers.

4. LPCC Applicants – Graduate Study Begun After August 1, 2012 and Before August 1, 2012

This subgroup of LPCC applicants must obtain a degree that contains a specified number of units in each of several core content areas. Up to three of these core content areas may be remediated with post-master's level coursework if missing from the degree. In addition, several other areas of instruction are required that can be remediated either through post-master's level coursework or from a CE provider.

Staff has decided not to propose an amendment regarding current LMFT applicants whose graduate study began after August 1, 2012. Staff is working with the schools to make sure that everything is integrated into the degree program.

Staff is proposing the following amendments:

1. LMFT Applicant Remediation of a Deficient Degree – Graduate Study Begun Before August 1, 2012

Current law allows an LPCC applicant whose degree is deficient in no more than two core content areas to remediate those areas of study by completing post-master's or postdoctoral degree coursework from an accredited or approved institution.

The "core content areas" required of LPCC applicants do not exist for the LMFT applicants who began graduate study prior to August 1, 2012. However, the LMFT degree must contain specific instruction in alcoholism and other chemical substance dependency, as well as a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, with no exceptions. While an LMFT licensee from out of state could apply and then remediate this coursework, the law does not allow this option for California graduates seeking a license.

Staff proposed to amend Sections 4980.41 to allow an LMFT applicant whose degree is deficient in alcoholism/other chemical substance dependency and spousal/partner abuse

assessment to remediate those two deficiencies, and the coursework can be taken through a continuing education provider.

2. Spousal or Partner Abuse Coursework Requirements for LCSW Applicants, and for LPCC and LMFT Applicants who Began Graduate Study Before August 1, 2012

LMFT, LPCC, and LCSW laws currently require coursework in spousal or partner abuse assessment as follows:

- LMFT law states that the qualifying degree shall include at least 15 contact hours of coursework, and that the applicant must provide a certification from the chief academic officer of their school that the required coursework is included within the institution's required curriculum for graduation.
- LPCC law requires 15 contact hours of coursework, but this coursework does not have to be part of the degree program. The Board has historically interpreted the law to allow the course be taken from either an accredited or approved educational institution or from a Board accepted continuing education provider.
- LCSW applicants must also complete instruction and training in spousal or partner abuse assessment. However, for LCSW applicants, the law is less clear about whether the instruction and training must be part of the degree program. Although the law does not specifically say the required 15 contact hours of coursework must be part of the degree program as LMFT law does, it states that required coursework may be taken either in fulfillment of other educational requirements for licensure or in a separate course. However, it also states that the chief academic officer of the school must certify that such coursework is in the curriculum required for graduation.

Because the law does not specifically state that the qualifying degree must contain this coursework, the Board has historically interpreted the LCSW law to allow the applicant to remediate any deficiency in this requirement by completing coursework either from an accredited or approved educational institution, or from a Board accepted continuing education provider. However, recently questions have been raised as to whether this interpretation is correct.

Mr. Caldwell and Ms. Epstein expressed appreciation for the proposed amendments.

Christina Wong moved to direct staff to make any discussed changes and any non-substantive changes, and bring to the Board for consideration as Board-sponsored legislation. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

X. Discussion and Recommendations for Possible Action to Sponsor Legislation to Revise Licensure Requirements for Out-of-State Marriage and Family Therapist and Licensed Professional Clinical Counselor Applicants

Ms. Helms presented proposed legislation to revise licensure requirements for out-of-state marriage and family therapists and LPCC applicants.

Licensing requirements for out-of-state LMFT and LPCC applicants are set to change on January 1, 2014. At this time, out-of-state applicants will need to complete all of the coursework topic areas and units that an in-state applicant would need to complete, in addition to their qualifying degree, before obtaining a license or registration. All of this coursework would need to be completed at a graduate level.

Recently, concerns have been raised that the manner in which the coursework must be remediated is so strict that it creates a barrier to licensure for out-of-state applicants. This proposal makes amendments that provide additional remediation options for out-of-state applicants.

SB 33 became law on January 1, 2010 and made a number of changes to the required curriculum to become licensed as a LMFT for persons who begin graduate study on or after August 1, 2012. This bill:

- Increased the degree's total unit requirement from 48 to 60 semester units.
- Provided more flexibility in the curriculum requirements, such as fewer requirements for specific hours or units for particular coursework, to allow for innovation in curriculum design.
- Infused the culture and norms of public mental health work and principles of the Mental Health Services Act throughout the curriculum.
- Changed the requirements for LMFT applicants who earned a degree outside of California effective January 1, 2014. Instead of requiring specific hours or units for particular coursework (which may be completed as graduate level coursework or from a continuing education (CE) provider), the out of state applicant will be required to complete all units and coursework listed under BPC Section 4980.36(d). This subsection consists of an extensive list of requirements for a degree begun after August 1, 2012, all of which must be graduate level coursework and must consist of at least 60 semester or 90 quarter units.

SB 33 was the result of an extensive committee process and public discussion by the Board and its stakeholders. As the implementation date draws closer, however, concerns are being raised about how the changes will affect the portability of licenses for out-of-state applicants.

At the time that the Board considered changing the out-of-state requirements for LMFT applicants in 2007-2008, there was discussion that schools would be able to adjust to offer programs of coursework specifically aimed at out-of-state applicants. However, the economic climate was different during that time. Today, many of the public-run colleges and universities are overcrowded and facing strict budgetary constraints. They are not able to offer coursework to students who have not been accepted as part of their master's degree programs.

LPCC out-of-state applicant requirements were mirrored after LMFT law and contain similar changes in the out-of-state applicant requirements effective January 1, 2014. Therefore, the LPCC requirements pose the same portability issues.

Staff is concerned that requiring out-of-state applicants to complete such a large number of additional graduate level units, much of which consists of coursework specifically addressing California cultures, will create such a barrier to out-of-state licensees that they won't be able to obtain a license without significant additional cost.

Without having the option to make up coursework from continuing education providers, the only option for out-of-state applicants would be to turn to private colleges and universities, which may offer graduate level coursework to individuals not enrolled in their master's degree program, but at a very high price-per-unit. Remediating a 48-unit out-of-state degree to reach 60 units and completing a large number of deficient topic areas, when the applicant had already completed a master's degree and may have been practicing in another state, could cost the applicant several thousand dollars if the only option is to complete the program through a private university.

Staff is proposing two separate Board actions in order to address this situation:

1. Pursue legislation to extend the effective date of the new education requirements for out-of-state applicants for licensure from January 1, 2014 to January 1, 2015. Pursuing this legislative proposal this year would push the implementation date of the new out-of-state requirements out one year. This would allow the Board time to carefully consider how to best address the problems posed by the new out-of-state requirements.
2. Pursue legislation to change the education requirements for out-of-state applicants for licensure, effective January 1, 2015. This proposal could either be pursued this year, as an amendment to the bill mentioned above, or the following year, if more time is needed to iron out various issues. The proposed amendments would do the following:
 - a. Extend the implementation date of the new out-of-state requirements until January 1, 2015.
 - b. Continue to require that unlicensed out of state applicants for licensure or registration have a degree that contains at least 48 semester/72 quarter units and the 6 semester/9 quarter units of practicum. They would still need to make up any deficiencies in the 60 semester/90 quarter units required.

For LMFTs, the law would be amended to allow them to remediate any missing course content requirements in 4980.36(d)(2) from either an accredited or approved school, or from a continuing education provider that is accepted by the Board.

The amendments would allow LPCCs to remediate up to three of the core content areas listed from an accredited or approved school. They could also remediate any missing course content requirements from either an accredited or approved school or from an accepted continuing education provider.

- c. Allow an applicant for registration to complete any deficient units and course content requirements while registered as an intern.
- d. Continue to require that out of state applicants for licensure who are licensed in another state have a degree that contains at least 48 semester/72 quarter units and the 6 semester/9 quarter units of practicum. They would not make up any deficiencies in the 60 semester/90 quarter units required; instead, their 48 semester/72 quarter unit degree would be sufficient.

Dr. Wietlisbach favored the proposals listed. Ms. Wong agreed. There were no objections from members of the public.

Christina Wong moved to direct staff to make any non-substantive changes, and bring both proposals to the Board for consideration as Board-sponsored legislation. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

XI. Discussion and Recommendations for Possible Action to Sponsor Legislation to Revise the California Family Code to Allow the Board to Receive Confidential Child Custody Reports for Investigative Purposes

Ms. Madsen presented the history and proposed legislation to revise the family code regarding confidential child custody reports.

At the April 2012 Committee meeting, the Committee and staff discussed the roles of Board licensees and California Family Courts in resolving issues or concerns related to matters of child

custody. In this role a Board licensee may serve as a child custody recommending counselor (formerly known as mediators), as a court connected child custody evaluator or as a private child custody evaluator. Each role has specific qualifications and requirements established through the Rules of the Court and the California Family Code.

The role of the child custody recommending counselor is to assist parents in resolving their differences and to develop a plan agreeable to both parties. Although the child custody recommending counselor must meet specific criteria, he or she is not required to be licensed by the Board. In situations in which the parties cannot agree, the child custody recommending counselor prepares a recommendation. The child custody recommending counselor is permitted to submit either the plan or the recommendation to the court. The time appropriated for this service is not extensive and does not require an in depth assessment of the situation.

A court-connected child custody evaluator or a private child custody evaluator has a more extensive role and must be licensed as a Marriage and Family Therapist, Clinical Social Worker, Psychologist, or a Physician that is either a Board certified Psychiatrist or has completed a residency in psychiatry. The evaluator has the task of conducting a comprehensive assessment (commonly referred to as an evaluation) to determine the best interest of the child in disputed custody or visitation rights.

Conducting an evaluation requires a significant amount of time. The Rules of the Court specify the content each evaluation must include as well as a description of the work completed by the evaluator. Upon the conclusion of the evaluator's work, the evaluator prepares a written report that is submitted to the court. The court will base their decision regarding custody and visitation on this report.

Pursuant to Family Code Section 3025.5, the report submitted by the evaluator is considered confidential. The report may only be disclosed to specified persons.

The court advises individuals that if they have a complaint against a mediator or evaluator, to file a complaint with the court. Each court has its own procedures for filing a complaint. Further, the individual may express their complaint to the judge at the time of their hearing.

The individuals are also advised that if their complaint is about ethical conduct or licensing issues, they may contact the appropriate state licensing board. The Board of Behavioral Sciences is one of the state licensing boards listed.

The Board receives numerous complaints against licensees who provide evaluations or recommendations to the courts. The Board does not investigate complaints that involve a child custody recommending counselor, also known as a mediator, due to their limited role. The Board will investigate complaints involving evaluators.

In all complaints, the source of the complaint alleges the licensee's conduct/recommendation is unprofessional or is unethical. As in all complaint investigations, the Board must obtain the relevant information to determine if a violation of the Board's statutes and regulations has occurred.

Since the nature of the complaint directly references the evaluator's report to the court, to fully investigate the allegations, the report is a critical piece of information. Often the Board will receive this report from the source of the complaint. In cases where the Board has received this report, the Board has proceeded with an investigation. These investigations are time intensive and involve the use of a Subject Matter Expert and at times, assistance from the Division of Investigation.

During series of discussions with the Administrative Office of the Courts (AOC), the Board was informed that it should not proceed with its investigation despite receiving the confidential report since the Board is not permitted access under current law. The inability to obtain all of the relevant documentation requires the Board to close its investigation. This outcome increases the individual's frustration not only with the courts, but also the Board.

At the April 2012 Committee meeting, the Committee and stakeholders discussed whether or not to pursue a legislative change to allow the Board access to this confidential report for investigative purposes. Following the discussion, the Committee directed staff to draft language to allow the Board access to the confidential report for investigative purposes.

Since the April 19, 2012 meeting, staff met with the Administrative Office of the Courts to develop language that allows the Board access to the report, either from one of the parties currently permitted to have access to the report or directly from the court upon request from the Board.

Staff is proposing two revisions to the Committee. The recommendation is to revise Family Code sections 3111 and 3025.5 to allow the Board access to the confidential report for investigative purposes and to allow the court to provide the report to the Board upon request.

Ms. Epstein expressed that CAMFT continues to have concerns with this. There is a process in place where the Board can request a copy of the report from the court upon good cause. CAMFT is concerned about the privacy of the children, and stated that the reports are confidential for specific reasons.

Ms. Madsen emphasized that the report and the investigative documents do not become public record.

Mr. Wong, NASW-CA, agreed with Ms. Epstein. He expressed that the courts should be allowed to manage this issue, and the Board should find a way to work with the courts. He also expressed that working with the AOC is not the same as working with the courts.

Christina Wong moved to direct staff to bring the proposed revisions to the Board for consideration. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

XII. Public Comment for Items Not on the Agenda

No public comments were presented.

XIII. Suggestions for Future Agenda Items

No suggestions for future agenda items were presented.

XIV. Adjournment

The meeting was adjourned at 5:07 p.m.

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To: Board Members

Date: January 18, 2013

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Legislative Update

Board staff is currently pursuing the following legislative proposals:

LMFT and LCSW Applicant Remediation of Coursework

This bill proposal would amend LMFT licensing law to allow an LMFT applicant whose degree is deficient in the alcoholism and other chemical substance dependency requirement, or the spousal or partner abuse assessment requirement, to remediate those deficiencies. Current law does not allow remediation. It would also amend LCSW licensing law to clarify that LCSW applicants may also remediate a deficiency in the spousal or partner abuse assessment coursework.

LMFT and LPCC Out-of-State Applicant Requirements

Licensing requirements for out-of-state LMFT and LPCC applicants are set to change on January 1, 2014. However, the Board has concerns that the new out-of state requirements may be too stringent, restricting portability of these license types to California.

This bill proposal extends the effective date of the new education requirements for out-of-state licensees from January 1, 2014 to January 1, 2015. This allows the Board additional time to carefully consider solutions to this problem which would increase portability of licenses while maintaining public protection.

Retired Licenses

This bill proposal would clarify the law regarding eligibility for a retired license. The amendment would state that a licensee is eligible for a retired license if he or she holds a current, active license, or an inactive license, if the license is in good standing. It would also reduce the timeline allowed to restore a retired license to active status from five years to three years.

Child Custody Evaluators

This bill proposal would specify that the Board may access a child custody evaluation report for the purpose of investigating allegations that one of its licensees, while serving as a child custody evaluator, engaged in unprofessional conduct in the creation of the report. Currently, the law does not give the Board direct access to the child custody evaluation report. This leaves the Board unable to investigate allegations of unprofessional conduct of its licensees while they are serving as a custody evaluator, even though the Board is mandated to do so by law.

Omnibus Legislation (Senate Business, Professions, and Economic Development Committee)
(No Bill Number Assigned at This Time)

This bill proposal, approved by the Board at its November 9, 2011 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

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To: Committee Members

Date: January 15, 2012

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Rulemaking Update

Title 16, CCR Sections 1811, 1870, 1887.3: Revision of Advertising Regulations, Two-Year Practice Requirement for Supervisors of Associate Social Workers (ASWs), and HIV/AIDS Continuing Education Course for LPCCs

This proposal makes three types of revisions to current Board regulations:

1. Revises the regulatory provisions related to advertising by Board licensees.
2. Revises current Board regulations to include LPCCs in the requirement to take a one-time, seven hour continuing education course covering the assessment and treatment of people living with HIV/AIDS.
3. Requires supervisors of ASWs to be licensed for two years prior to commencing any supervision.

This proposal was approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on January 9, 2013. It becomes effective on **April 1, 2013**. Staff is working to inform licensees and registrants of these upcoming changes.

Title 16, CCR Sections 1803, 1845, 1858, 1881; Add Sections 1823, 1888.1, SB 1111: Enforcement Regulations

This proposal is part of an effort by DCA for healing arts boards to individually seek regulations to implement those provisions of SB 1111 and SB 544 (part of DCA's Consumer Protection Enforcement Initiative) that do not require statutory authority.

The intent of SB 1111, which failed passage in 2010, and SB 544, which failed passage in 2011, was to provide healing arts boards under DCA with additional authority and resources to make the enforcement process more efficient. These regulations propose delegation of certain

functions to the executive officer, required actions against registered sex offenders, and additional unprofessional conduct provisions to aid in the enforcement streamlining effort.

This proposal was approved by the Board at its meeting on August 18, 2011. It is now through the public comment periods, and has been submitted to the Department of Consumer Affairs (DCA) and the State and Consumer Services Agency (SCSA) for review. Once approved by these entities, staff will submit it to OAL for final approval.

Title 16, CCR Section 1833: Regulations to Implement SB 363 (Marriage and Family Therapist Intern Experience)

SB 363 (Chapter 384, Statutes of 2011) limited the number of client-centered advocacy hours for a marriage and family therapist intern to 500 hours.

This proposal deletes a provision of Board regulations which conflicts with SB 363 and that is no longer needed due to the new legislative provisions enacted by SB 363. This amendment was approved by the Board at its meeting on November 9, 2011. This proposal also deletes an outdated provision in Section 1833 regarding crisis counseling on the telephone, which directly conflicts with telehealth provisions in LMFT licensing law. This amendment was approved by the Board at its meeting on February 29, 2012.

This proposal is now through the public comment period, and has been submitted to DCA and SCSA for review. Once approved by these entities, it will be submitted to OAL for final approval.

Title 16, CCR Section 1888 and Disciplinary Guidelines

This proposal makes several revisions to the Disciplinary Guidelines, which are incorporated by reference into Board regulations. This proposal was approved by the Board at its meeting on November 9, 2011, and additional changes were approved by the Board at its meeting on May 16, 2012.

This proposal is now through its public comment periods, and has been submitted to DCA and SCSA for review. Once approved by these entities, it will be submitted to OAL for final approval.

Title 16, CCR Section 1888 and Disciplinary Guidelines: SB 1441: Uniform Standards for Substance Abuse

This is a regulatory proposal that the Department of Consumer Affairs (DCA) and the Legislature is asking all healing arts licensing boards to run. It creates uniform standards for discipline that the boards must abide by in cases of licensee or registrant substance abuse. This proposal was prompted by a concern at the Legislature that there is a lack of a consistent policy across DCA's healing arts boards for dealing with licensees or registrants who abuse drugs and alcohol.

This proposal was approved by the Board at its meeting on November 28, 2012. Next, staff will submit it to OAL for publication in its Notice Register, which will begin the 45-day public comment period.

Title 16, CCR Section 1820.5; Add Sections 1820.6 and 1820.7: Requirements for Licensed Professional Clinical Counselors to Treat Couples or Families

This proposal clarifies the law regarding requirements for LPCCs to treat couples and families. It also outlines a process by which LPCCs and PCC interns receive Board confirmation that they have met the requirements to treat couples and families.

This proposal was approved by the Board at its meeting on November 28, 2012. Next, staff will submit it to OAL for publication in its Notice Register, which will begin the 45-day public comment period.

Title 16, CCR Sections 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877; Add Section 1825: Regulations to Implement SB 704 (Examination Restructure)

This proposal revises current Board regulations in order to be consistent with the statutory changes made by SB 704 (Chapter 387, Statutes of 2011), which restructures the examination process for LMFT, LCSW, and LPCC applicants.

This proposal is awaiting Board approval.

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To: Committee Members

Date: January 14, 2013

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Proposed 2013 Omnibus Legislation – Additional Item

At its November 28, 2012 meeting, the Board of Behavioral Sciences (Board) approved several technical and non-substantive amendments to the Business and Professions Code (BPC), and directed staff to sponsor legislation to make the proposed amendments. This legislation will be included in the Senate Business, Professions, and Economic Development Committee's annual omnibus bill, which is typically used for these types of technical and non-controversial changes.

Additional Amendment Requested

At the November 28, 2012 meeting, there was a request for Board consideration of an additional omnibus bill amendment.

Amend BPC Section 4999.20 – Scope of Practice for Licensed Professional Clinical Counselors (LPCCs)

Background: The requested change would make the law regarding scope of practice for LPCCs more consistent with the scope of practice law for the Board's other license types.

A few years back, language was inserted into licensed marriage and family therapist (LMFT) law stating that the practice of marriage and family therapy includes the use, application, and integration of the coursework and experience required by law for licensure. This language makes it clear that LMFTs are able to practice what they are taught.

This year, the National Association of Social Workers – California Chapter (NASW-CA) requested a similar amendment to clarify that the scope of practice of licensed clinical social workers (LCSWs) also includes the coursework and experience required of them by law.

The Board approved this proposed amendment to the social work licensing law at the November 28, 2012 meeting. Therefore, the proposal will be sponsored by the Board and included in this year's omnibus bill.

At that Board meeting, the California Association for Licensed Professional Clinical Counselors (CALPCC) requested a similar amendment to the licensing law for clinical counselors. This change could be amended into Section 4999.20, which defines the practice of professional clinical counseling.

Recommendation: Amend BPC Section 4999.20 to specify that the practice of professional clinical counseling includes the use, application, and integration of the coursework and training required by Sections 4999.32 (which describes exam eligibility and registration requirements for applicants beginning graduate study before August 1, 2012) and 4999.33 (which describes exam eligibility and registration requirements for applicants beginning graduate study after August 1, 2012). The content of these sections is provided for reference in **Attachment B**.

Recommendation

Conduct an open discussion regarding the proposed amendment. Direct staff to make any non-substantive changes, and recommend that the Board sponsor legislation to make the proposed change.

Attachments

A: Proposed Amendment

B: BPC Sections 4999.32 and 4999.33

ATTACHMENT A PROPOSED AMENDMENT

LICENSED PROFESSIONAL CLINICAL COUNSELORS

Amend Business and Professions Code (BPC) §4999.20

(a) (1) “Professional clinical counseling” means the application of counseling interventions and psychotherapeutic techniques to identify and remediate cognitive, mental, and emotional issues, including personal growth, adjustment to disability, crisis intervention, and psychosocial and environmental problems, and the use, application, and integration of the coursework and training required by Sections 4999.32 and 4999.33. “Professional clinical counseling” includes conducting assessments for the purpose of establishing counseling goals and objectives to empower individuals to deal adequately with life situations, reduce stress, experience growth, change behavior, and make well-informed rational decisions.

(2) “Professional clinical counseling” is focused exclusively on the application of counseling interventions and psychotherapeutic techniques for the purposes of improving mental health, and is not intended to capture other, nonclinical forms of counseling for the purposes of licensure. For the purposes of this paragraph, “nonclinical” means nonmental health.

(3) “Professional clinical counseling” does not include the assessment or treatment of couples or families unless the professional clinical counselor has completed all of the following additional training and education, beyond the minimum training and education required for licensure:

(A) One of the following:

(i) Six semester units or nine quarter units specifically focused on the theory and application of marriage and family therapy.

(ii) A named specialization or emphasis area on the qualifying degree in marriage and family therapy; marital and family therapy; marriage, family, and child counseling; or couple and family therapy.

(B) No less than 500 hours of documented supervised experience working directly with couples, families, or children.

(C) A minimum of six hours of continuing education specific to marriage and family therapy, completed in each license renewal cycle.

(4) “Professional counseling” does not include the provision of clinical social work services.

(b) “Counseling interventions and psychotherapeutic techniques” means the application of cognitive, affective, verbal or nonverbal, systemic or holistic counseling strategies that include principles of development, wellness, and maladjustment that reflect a pluralistic society. These interventions and techniques are specifically implemented in the context of a professional clinical counseling relationship and use of a variety of counseling theories and approaches.

(c) "Assessment" means selecting, administering, scoring, and interpreting tests, instruments, and other tools and methods designed to measure an individual's attitudes, abilities, aptitudes, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral concerns and development and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or ameliorating changing life situations, as part of the counseling process. "Assessment" shall not include the use of projective techniques in the assessment of personality, individually administered intelligence tests, neuropsychological testing, or utilization of a battery of three or more tests to determine the presence of psychosis, dementia, amnesia, cognitive impairment, or criminal behavior.

(d) Professional clinical counselors shall refer clients to other licensed health care professionals when they identify issues beyond their own scope of education, training, and experience.

ATTACHMENT B
RELATED SECTIONS

**§4999.32. QUALIFICATIONS FOR REGISTRATION AND EXAMINATION
ELIGIBILITY; GRADUATE COURSEWORK BEGINNING BEFORE AUGUST 1, 2012
AND COMPLETED BEFORE DECEMBER 31, 2018**

(a) This section shall apply to applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and complete that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.

(b) To qualify for examination eligibility or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 48 graduate semester or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.

(H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.

(I) Professional orientation, ethics, and law in counseling, including professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship

between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent, in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Other recognized counseling interventions.

(I) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) (1) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

(e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an intern:

(1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.

(2) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(3) A two semester unit or three quarter unit survey course in psychopharmacology.

(4) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.

(5) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations adopted thereunder.

(6) A minimum of 18 contact hours of instruction in California law and professional ethics for professional clinical counselors that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, and state and federal laws related to confidentiality of patient health information. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester unit or 72 quarter unit requirement in subdivision (c).

(7) A minimum of 10 contact hours of instruction in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(8) A minimum of 15 contact hours of instruction in crisis or trauma counseling, including multidisciplinary responses to crises, emergencies, or disasters, and brief, intermediate, and long-term approaches.

(f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.

**§4999.33. QUALIFICATIONS FOR REGISTRATION AND EXAMINATION
ELIGIBILITY; GRADUATE COURSEWORK BEGINNING AFTER AUGUST 1, 2012
OR COMPLETED AFTER DECEMBER 31, 2018**

(a) This section shall apply to the following:

(1) Applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for examination eligibility or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for examination eligibility or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (f), the coursework in the core content areas listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of

subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 60 graduate semester or 90 graduate quarter units of instruction, which shall, except as provided in subdivision (f), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in all of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, group developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.

(H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.

(I) Professional orientation, ethics, and law in counseling, including California law and professional ethics for professional clinical counselors, professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(J) Psychopharmacology, including the biological bases of behavior, basic classifications, indications, and contraindications of commonly prescribed psychopharmacological medications so that appropriate referrals can be made for medication evaluations and so that the side effects of those medications can be identified.

(K) Addictions counseling, including substance abuse, co-occurring disorders, and addiction, major approaches to identification, evaluation, treatment, and prevention of substance abuse

and addiction, legal and medical aspects of substance abuse, populations at risk, the role of support persons, support systems, and community resources.

(L) Crisis or trauma counseling, including crisis theory; multidisciplinary responses to crises, emergencies, or disasters; cognitive, affective, behavioral, and neurological effects associated with trauma; brief, intermediate, and long-term approaches; and assessment strategies for clients in crisis and principles of intervention for individuals with mental or emotional disorders during times of crisis, emergency, or disaster.

(M) Advanced counseling and psychotherapeutic theories and techniques, including the application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(2) In addition to the course requirements described in paragraph (1), 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent, in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Professional writing including documentation of services, treatment plans, and progress notes.

(I) How to find and use resources.

(J) Other recognized counseling interventions.

(K) A minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

(1) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.

(2) The understanding of human behavior within the social context of a representative variety of the cultures found within California.

(3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.

(4) An understanding of the effects of socioeconomic status on treatment and available resources.

(5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.

(6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and

trauma response, advocacy for the severely mentally ill, and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(7) Human sexuality, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(8) Spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(9) Child abuse assessment and reporting.

(10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

(1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.

(2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.

(3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(f) (1) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

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To: Committee Members

Date: January 24, 2013

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Proposed Regulations to Incorporate Examination Restructure

SB 704 (Chapter 387, Statutes of 2011), sponsored by the Board of Behavioral Sciences (Board), restructured the examination process for applicants who are seeking Marriage and Family Therapist (LMFT), Clinical Social Worker (LCSW), and Professional Clinical Counselor (LPCC) licensure. The restructure becomes effective on January 1, 2014.

The Board now needs to revise its regulations so that when the examination restructure goes into effect, the exam process described in regulations is consistent with the examination process authorized by the law.

History

An earlier version of the exam restructure regulations was approved by the Board at its November 9, 2011 meeting. However, since that time, the examination restructure's effective date was delayed from January 1, 2013 to January 1, 2014, due to conflicts with implementing the Department of Consumer Affairs' BreEZe Database System (SB 1575, Chapter 799, Statutes of 2012). Due to this change, as well as other technical changes that are now needed, staff is requesting reconsideration of this proposal.

Background

SB 704 was sponsored by the Board as a result of extensive analysis of the examination process. The Board's Examination Program Review Committee (EPRC) was appointed in February 2008. The purpose of the EPRC was to conduct a review of the Board's examination programs and to evaluate associated issues.

The EPRC conducted an open-ended inquiry to gather information. Stakeholders and interested parties were given opportunities to provide input, feedback, and express their concerns regarding the examination programs.

On December 7, 2009, the EPRC made several recommendations relating to modifications of the current licensure exam process for LMFTs and LCSWs. The language in SB 704 was written based

on the recommendations of the EPRC. The Board allowed for extensive public input and feedback of the exam framework proposed in SB 704, at both committee and board meetings.

Several regulatory amendments are needed so that the Boards regulations are consistent with the changes in law made by SB 704.

How SB 704 Affects LMFTs, LPCCs, and LCSWs

Effective January 1, 2014, applicants for LMFT, LPCC, and LCSW licensure shall pass two exams: a California law and ethics examination (law and ethics exam) and a clinical examination (clinical exam). These new exams replace the standard written and the clinical vignette exams currently in place for MFTs and LCSWs, and change the exam structure for LPCCs as described in the next section.

Law and Ethics Exam

- A new registrant with the Board would be required to take the law and ethics exam. This exam must be taken within the first year of registration with the Board.
- If the law and ethics exam is not passed within the first renewal period, the registrant must complete a 12 hour law and ethics course in order to be eligible to take the exam in the next renewal cycle. The exam must be re-taken in each renewal cycle until passed. In addition, in each year the exam is not passed, the 12 hour law and ethics course must be taken to establish examination eligibility.
- A registration cannot be renewed after six years. If a registrant's registration expires, he or she must pass the law and ethics exam in order to obtain a subsequent registration number.

Clinical Exam

- Once a registrant has completed all supervised work experience, completed all education requirements, and passed the law and ethics exam, he or she may take the clinical exam. This exam must be passed within seven years of an individual's first attempt. If it is not passed within this timeframe, the individual's eligibility to further attempt the exam is placed on hold. He or she must then pass the current version of the law and ethics exam before re-establishing eligibility to take the clinical exam.

Examination Restructure Differences for LPCCs

Under SB 704, LPCCs will follow the same examination process as LMFTs and LCSWs for the law and ethics exam, however, the current exam structure for LPCCs differs from LMFTs and LCSWs.

Current law states that once an LPCC registrant has completed all supervised work experience, completed all education requirements, and passed the law and ethics exam, he or she may take a clinical exam administered by the Board, or the national examinations, if the Board finds that one of these examinations meet the prevailing standards for validation and use of the licensing and certification tests in California.

At its meeting on May 18, 2011, the Board accepted the National Clinical Mental Health Counselor Examination (NCMHCE) as meeting California testing standards. This proposed regulation establishes the NCMHCE as the designated examination for LPCCs.

The NCMHCE exam must be passed within seven years of an individual's first attempt. If it is not passed within this timeframe, the individual's eligibility to further attempt the exam is placed on hold. He or she must then pass the current version of the law and ethics exam before re-establishing eligibility to take the NCMHCE exam. This is consistent with the structure proposed for LMFTs and LCSWs taking the clinical exam.

Proposed Regulatory Changes

Several sections of the Board's regulations need to be revised in order to be consistent with the changes in SB 704. These changes are as follows:

- Revision of references to examination names in regulations in order to be consistent with the newly required examinations for registrants seeking an LMFT, LCSW, or LPCC license. For example, previously LMFT applicants took the standard written and clinical vignette exams; now they will take the California law and ethics exam and the clinical exam. The regulations need to reflect the correct exam names.
- Clarification of the waiting periods to take the new exams.
- Clarification of how to become eligible to take the California law and ethics exam.
- Clarification of the scenarios under which failure to take an exam can lead to abandonment of an application.
- Incorporation of language allowing the Board to accept the national examinations for LMFT and LCSW licensure, if the examinations are determined to be appropriate by the Board. The Board voted on November 4, 2010 to accept the Association of Social Work Boards (ASWB) Clinical Level Examination for those seeking licensure with the Board and is currently working on a contract with ASWB to offer its exam. The Board will continue working with the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) in 2013 to determine the viability of using its exam for LMFT licensure in California.
- Removal of the associate social worker extension fee in Section 1816, as the authority for the Board to issue extensions was removed from law as of 2008 (SB 1048, Chapter 588, Statutes of 2007).
- Other minor technical amendments such as deleting obsolete language, adding "licensed" to references to marriage and family therapists, and adding and deleting authority and reference citations as needed.

In addition, the passage of SB 274 (Wyland, Chapter 148, Statutes of 2011), deleted the annual renewal requirement for LPCCs who obtained a license through the grandparenting process. Grandparented LPCCs will now renew biennially, consistent with all other Board-issued licenses. The proposed regulations incorporate this change as well.

Recommendation

Conduct an open discussion of the proposed regulatory amendments. Direct staff to make any discussed changes, and any non-substantive changes, and submit to the Board for consideration as a rulemaking package.

Attachments

Attachment A: Proposed regulatory amendments

Attachment B: SB 704 text

Attachment C: SB 274 text

Attachment A

Examination Re-Structure Regulations

(Effective 1/1/2014)

§1805. APPLICATIONS

~~(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.~~

~~(b) A 180-day waiting period is required between examinations for any applicant retaking an examination. In the event special or unusual circumstances occur that impact the examination, the Board's Executive Officer may allow for a lesser period of time, as long as the integrity of the examination or examination security is not compromised.~~

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4989.20, 4992, 4996.2, 4999.50 and 4999.54, Business and Professions Code.

§1805.01. REEXAMINATION

~~(a) An applicant shall not take the same version of any board-administered exam.~~

~~(b) Waiting periods for national examinations that are accepted by the board shall be determined by that national testing entity.~~

Note: Authority Cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.40, 4984.72, 4989.20, 4989.22, 4996.1, 4996.4, 4999.50, 4999.53, 4999.54, and 4999.64, Business and Professions Code.

§1806. ABANDONMENT OF APPLICATION

An application shall be deemed abandoned under any of the following circumstances:

(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the board.

(b) The applicant does not submit information required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency letter.

~~(c) The applicant fails to sit for the standard written examination within one (1) year after being notified of initial eligibility to take the standard written examination.~~

~~(d) The applicant fails to sit for the clinical vignette examination within one (1) year of being notified of passing the standard written examination.~~

~~(c) The applicant fails to sit for the California law and ethics examination within the first year of registration.~~

(d) The applicant sits for the California law and ethics examination within the first year of registration, fails the exam, and fails to sit for the exam each subsequent year until the examination is passed.

(e) An out-of-state applicant, who does not register as an intern or an associate, fails to sit for the California law and ethics exam within one (1) year of being notified of initial eligibility to take the examination.

(f) The applicant fails to sit for the licensed educational psychologist written examination within one (1) year after being notified of initial eligibility to take that examination.

(g) The applicant fails to sit for the clinical examination within one (1) year after being notified of initial eligibility to take that examination. The clinical examination may consist of a board administered examination or a national examination, as determined to be acceptable by the board.

~~(e)~~(h) The applicant fails to sit for the jurisprudence California law and ethics examination required in Section ~~4999.52 and~~ 4999.54 of the Code within one (1) year after being notified of initial eligibility to take the jurisprudence and ethics examination or the California law and ethics examination.

~~(f)~~(i) The applicant fails to sit for the examination required in 4999.54 (b) (2) of the Code within one (1) year after being notified of initial eligibility to take the examination.

~~(g) The applicant fails to sit for an examination required in 4999.52 (c) (5) of the Code within one (1) year after being notified of initial eligibility to take that examination.~~

~~(h)~~(j) An applicant fails to retake an the licensed educational psychologist written examination within one (1) year from the date the applicant was notified of failing ~~anthe~~ examination.

(k) An applicant fails to retake the clinical examination within one (1) year from the date the applicant was notified of failing the examination.

~~(i)~~(l) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

An application submitted after an application has been abandoned shall be treated as a new application, including any fees required, and current requirements.

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.35, 4980.397, 4980.399, 4980.72, 4984.01, 4984.7, 4989.20, 4989.68, 4992, 4992.05, 4992.09, 4996.1, 4996.17, 4996.28, 4996.3, 4999.50, 4999.52, 4999.53, 4999.54, 4999.55, 4999.60, 4999.100, and 4999.120, Business and Professions Code.

§1816. RENEWAL FEES

(a) The annual renewal fee for marriage and family therapist intern registration is seventy-five dollars (\$75.00).

(b) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).

~~(c) The fee for associate clinical social worker extension is fifty dollars (\$50.00).~~

~~(d)~~(c) The annual renewal fee for professional clinical counselor interns is one hundred dollars (\$100.00).

~~(e)~~(d) The biennial active renewal fee for a licensed marriage and family therapist is one hundred thirty dollars (\$130.00).

~~(f)~~(e) The biennial active renewal fee for a licensed educational psychologist is eighty dollars (\$80.00).

~~(g)~~(f) The biennial active renewal fee for a licensed clinical social worker is one hundred dollars (\$100.00).

~~(h)~~(g) The biennial active renewal fee for a licensed professional clinical counselor is one hundred seventy-five dollars (\$175.00).

~~(i) The annual renewal fee for licenses issued pursuant to Section 4999.54 (a)(1) of the Code is one hundred fifty dollars (\$150.00).~~

~~(j)~~(h) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).

~~(k) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage and family therapist is twenty-five dollars (\$25.00).~~

~~(l) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).~~

~~(m) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).~~

Note: Authority Cited: Sections 4980.54, 4980.60, and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4989.68, 4996.3, 4996.6, ~~4996.18~~, 4996.22, and 4999.120, Business and Professions Code.

§1816.2. EXAMINATION FEES

~~(a) The licensed clinical social worker standard written examination fee shall be one hundred dollars (\$100.00).~~

~~(b)~~(a) The licensed clinical social worker ~~written clinical vignette~~ California law and ethics examination fee shall be one hundred dollars (\$100.00).

~~(c) The marriage and family therapist standard written examination fee shall be one hundred dollars (\$100.00).~~

~~(d) The marriage and family therapist written clinical vignette examination fee shall be one hundred dollars (\$100.00).~~

(b) The licensed marriage and family therapist California law and ethics examination fee shall be one hundred dollars (\$100.00).

(c) The board administered licensed marriage and family therapist clinical examination fee shall be one hundred dollars (\$100.00).

~~(e)~~(d) The licensed educational psychologist written examination fee shall be one hundred dollars (\$100.00).

~~(f)~~(e) The licensed professional clinical counselor ~~jurisprudence~~ California law and ethics examination shall be one hundred dollars (\$100.00).

~~(g)~~(f) The licensed professional clinical counselor examination described in Section 4999.54(b) of the Code shall be one hundred dollars (\$100.00).

~~(h) The fee for the licensed professional clinical counselor written examination shall be one hundred and fifty dollars (\$150.00).~~

Note: Authority Cited: 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3(a), ~~4996.4~~, 4999.54, and 4999.120, Business and Professions Code.

§1816.3. EXAMINATION RESCORING FEES

The fee for rescoring any board administered licensed marriage and family therapist, licensed clinical social worker, ~~or~~ licensed educational psychologist, or licensed professional clinical counselor written examination shall be twenty dollars (\$20.00).

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, ~~and~~ 4996.3, and 4999.120, Business and Professions Code.

§1816.4. EXAMINATION ELIGIBILITY APPLICATION FEES

(a) The fee for the licensed marriage and family therapist clinical examination eligibility application shall be one hundred dollars (\$100.00).

(b) The fee for the licensed clinical social worker clinical examination eligibility application shall be one hundred dollars (\$100.00).

(c) The fee for the licensed educational psychologist examination eligibility application shall be one hundred dollars (\$100.00).

(d) The fee for the licensed professional clinical counselor clinical examination eligibility application shall be one hundred and eighty dollars (\$180.00).

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.

§1816.5. REPLACEMENT AND CERTIFICATION FEES

(a) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20.00).

(b) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25.00).

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, ~~and 4996.63, and 4999.120~~, Business and Professions Code.

§1816.6. INACTIVE LICENSE FEES

(a) The fee for issuance or renewal of an inactive licensed marriage and family therapist license shall be sixty-five dollars (\$65.00).

(b) The fee for issuance or renewal of an inactive licensed clinical social worker license shall be fifty dollars (\$50.00).

(c) The fee for issuance or renewal of an inactive licensed educational psychologist license shall be forty dollars (\$40.00).

(d) The fee for issuance or ~~biennial~~ renewal of an inactive licensed professional clinical counselor license shall be eighty seven dollars and fifty cents (\$87.50).

~~(e) The fee for issuance or annual renewal of an inactive license issued pursuant to Section 4999.54(a)(1) of the Code shall be seventy five dollars (\$75.00).~~

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.8, 4989.44, 4997, and 4999.112, Business and Professions Code.

§1816.7. DELINQUENT FEES

(a) The delinquency fee for the licensed marriage and family therapist license shall be sixty-five dollars (\$65.00).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00).

(d) The delinquency fee for the licensed professional clinical counselor license shall be eighty seven dollars and fifty cents (\$87.50).

~~(e) The delinquency fee for the license issued pursuant to Section 4999.54(a)(1) of the Code shall be seventy five dollars (\$75.00).~~

(f) The delinquency fee for the continuing education provider approval shall be one hundred dollars (\$100).

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections [163.5](#), 4984.7, ~~4989.60~~[4989.68](#), ~~4996.64~~[4996.3](#), and 4999.104, Business and Professions Code.

§1825. REQUIRED EXAMINATIONS

(a) The written examinations shall consist of the following:

(1) A written California law and ethics examination designed to assess the applicant's knowledge of the law and ability to practice in an ethical manner; and

(2) A clinical examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principals, techniques, objectives, and theories under which he or she must operate.

(b) The clinical examination as described in subsection (a)(2) may be a board administered examination or a national examination determined by the board to be acceptable.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.50, 4999.53, 4999.55, and 4999.60, Business and Professions Code.

§1826. CALIFORNIA LAW AND ETHICS EXAMINATION

(a) An applicant must take the California law and ethics examination (also referred to as the jurisprudence and ethics examination) within the first year of registration, and each subsequent year until the examination is passed.

1. The examination may be taken upon submission of the examination application and payment of the required fee.
2. Eligibility to sit for the law and ethics examination in the first renewal period is valid for the duration of the registrant's renewal period.

(b) If the examination is not passed during a registration renewal period, the registrant must complete, at a minimum, a 12-hour course in California law and ethics in order to maintain examination eligibility.

1. To maintain eligibility to take the law and ethics examination in subsequent renewal periods, the applicant must do the following:
 - (i) Submit to the board an application to take the California law and ethics examination;
 - (ii) Pay the required fees; and
 - (iii) Show proof of completion of the required minimum 12-hour California law and ethics course.

- (iv) Eligibility to sit for the law and ethics examination in subsequent renewal periods is valid for the duration of each renewal period.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.50, 4999.53, 4999.55, and 4999.100, Business and Professions Code.

§1829. REQUIRED EXAMINATIONS

(a) The written examinations shall consist of the following:

(1) A written California law and ethics examination designed to assess the applicant's knowledge of the law and ability to practice in an ethical manner; and

~~(a)(2) A standard written clinical examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, and theory/theories and laws under which he or she must operate; and~~

~~(b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.~~

(b) The clinical examination as described in subsection (a)(2) may be a board administered examination or a national examination determined by the board to be acceptable.

Note: Authority cited: Sections 4980.40 and 4980.60, Business and Professions Code. Reference: Sections 4980.40, 4980.397, 4980.399, and 4980.72, Business and Professions Code.

§1830. CALIFORNIA LAW AND ETHICS EXAMINATION (a) An applicant must take the California law and ethics examination (also referred to as the jurisprudence and ethics examination) within the first year of registration, and each subsequent year until the examination is passed.

1. The examination may be taken upon submission of the examination application and payment of the required fee.
2. Eligibility to sit for the law and ethics examination in the first renewal period is valid for the duration of the registrant's renewal period.

(b) If the examination is not passed during a registration renewal period, the registrant must complete, at a minimum, a 12-hour course in California law and ethics in order to maintain examination eligibility.

1. To maintain eligibility to take the law and ethics examination in subsequent renewal periods, the applicant must do the following:

- (i) Submit to the board an application to take the California law and ethics examination;
- (ii) Pay the required fees; and
- (iii) Show proof of completion of the required minimum 12-hour California law and ethics course.
- (iv) Eligibility to sit for the law and ethics examination in subsequent renewal periods is valid for the duration of each renewal period.

Note: Authority cited: Sections 4980.40 and 4980.60, Business and Professions Code. Reference: Sections 4980.40, 4980.397, 4980.399, and 4984.01, Business and Professions Code.

§1877. REQUIRED EXAMINATIONS

(a) The written examinations shall consist of the following:

(1) A written California law and ethics examination designed to assess the applicant's knowledge of the law and ability to practice in an ethical manner; and

(a)(2) A ~~standard written~~ clinical examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, ~~and theory theories and laws~~ under which he or she must operate.; ~~and~~

~~(b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.~~

(b) The clinical examination as described in subsection (a)(2) may be a board administered examination or a national examination determined by the board to be acceptable.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections ~~4992.4~~ 4992.05, 4992.09 and 4996.1, Business and Professions Code.

§1878. CALIFORNIA LAW AND ETHICS EXAMINATION

(a) An applicant must take the California law and ethics examination (also referred to as the jurisprudence and ethics examination) within the first year of registration, and each subsequent year until the examination is passed.

1. The examination may be taken upon submission of the examination application and payment of the required fee.
2. Eligibility to sit for the law and ethics examination in the first renewal period is valid for the duration of the registrant's renewal period.

(b) If the examination is not passed during a registration renewal period, the registrant must complete, at a minimum, a 12-hour course in California law and ethics in order to maintain examination eligibility.

1. To maintain eligibility to take the law and ethics examination in subsequent renewal periods, the applicant must do the following:

(i) Submit to the board an application to take the California law and ethics examination;

(ii) Pay the required fees; and

(iii) Show proof of completion of the required minimum 12-hour California law and ethics course.

(iv) Eligibility to sit for the law and ethics examination in subsequent renewal periods is valid for the duration of each renewal period.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4992.05, 4992.09, 4996.1, and 4996.28, Business and Professions Code

Senate Bill No. 704

CHAPTER 387

An act to amend Sections 4996.28 and 4999.120 of, to amend, add, and repeal Sections 4992.1, 4996.1, 4996.3, and 4996.4 of, to amend, repeal, and add Sections 4980.40, 4980.50, 4984.01, 4984.7, 4984.72, 4999.45, 4999.46, 4999.50, 4999.52, and 4999.100 of, and to add Sections 4980.397, 4980.398, 4980.399, 4992.05, 4992.07, 4992.09, 4999.53, 4999.55, 4999.63, and 4999.64 to, the Business and Professions Code, relating to healing arts.

[Approved by Governor September 30, 2011. Filed with
Secretary of State September 30, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 704, Negrete McLeod. Healing arts: licensees: Board of Behavioral Sciences.

Existing law provides for the licensure and regulation of marriage and family therapists and marriage and family therapist interns and trainees by the Board of Behavioral Sciences. Existing law requires the issuance of a license to practice marriage and family therapy to qualified applicants, as defined, who pass a board-administered written or oral examination or, under specified circumstances, a clinical vignette written examination. Existing law provides for the licensure and regulation of social workers by the Board of Behavioral Sciences. Existing law requires each applicant to be examined by the board and, on and after January 1, 2014, upon a specified determination by the board, requires the issuance of a license to each applicant or registrant meeting specified requirements who successfully passes the Association of Social Work Boards Clinical Level Examination administered by the Association of Social Work Boards and a separate California jurisprudence and ethics examination incorporated or developed and administered by the board.

Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of professional clinical counselors and interns by the Board of Behavioral Sciences. Existing law authorizes the board to issue a license to any person meeting specified educational requirements, satisfying the supervised experience requirement, and providing evidence of a passing score on a national licensing examination, as determined by the board.

This bill would repeal those provisions that would have become operative on January 1, 2014. The bill would instead, for the practice areas of marriage and family therapy, social work, and professional clinical counselors, revise and recast provisions related to examinations to require, on and after January 1, 2013, the passage of specified clinical examinations and a California law and ethics examination, subject to specified fees. The bill would require

applicants for licensure to retake the law and ethics examination under certain circumstances, as specified. The bill would, on and after January 1, 2013, require marriage and family therapist interns, associate clinical social workers, and professional clinical counselor interns to take the law and ethics examination, subject to specified fees. The bill would authorize the board to adopt the Association of Social Work Boards Clinical Level Examination as the clinical examination for social workers, upon a specified determination.

This bill would incorporate additional changes in Section 4999.120 of the Business and Professions Code proposed by SB 146, to be operative only if SB 146 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. (a) It is the intent of the Legislature that the Board of Behavioral Sciences expedite its efforts to evaluate the Association of Social Work Boards Clinical Level Examination administered by the Association of Social Work Boards as a requirement for licensure as a clinical social worker and, if the board finds that this examination meets the prevailing standards for validation and use of licensing and certification tests in California, establish by regulation that this examination is to be used as the clinical examination.

(b) It is the intent of the Legislature that the Board of Behavioral Sciences expedite its efforts to evaluate the Examination in Marital and Family Therapy administered by the Association of Marital and Family Therapy Regulatory Board as a requirement for licensure as a marriage and family therapist and, if the board finds that this examination meets the prevailing standards for validation and use of licensing and certification tests in California, establish by regulation that this examination is to be used as the clinical examination.

SEC. 2. Section 4980.397 is added to the Business and Professions Code, to read:

4980.397. (a) Effective January 1, 2013, an applicant for licensure as a marriage and family therapist shall pass the following two examinations as prescribed by the board:

- (1) A California law and ethics examination.
- (2) A clinical examination.

(b) Upon registration with the board, a marriage and family therapist intern shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant may take the clinical examination only upon meeting all of the following requirements:

- (1) Completion of all required supervised work experience.
- (2) Completion of all education requirements.
- (3) Passage of the California law and ethics examination.

(d) This section shall become operative on January 1, 2013.

SEC. 3. Section 4980.398 is added to the Business and Professions Code, to read:

4980.398. (a) Each applicant who had previously taken and passed the standard written examination shall also obtain a passing score on the clinical examination in order to be eligible for licensure.

(b) An applicant who had previously failed to obtain a passing score on the standard written examination shall obtain a passing score on the California law and ethics examination and the clinical examination.

(c) An applicant who had previously failed to obtain a passing score on the clinical vignette examination shall obtain a passing score on the clinical examination.

(d) An applicant who had obtained eligibility for the standard written examination shall take the California law and ethics examination and the clinical examination.

(e) This section shall become operative on January 1, 2013.

SEC. 4. Section 4980.399 is added to the Business and Professions Code, to read:

4980.399. (a) Each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.

(c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application except as provided in subdivision (d).

(d) If a registrant fails to obtain a passing score on the California law and ethics examination described in subdivision (a) within his or her first renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by the section shall be taken through a board-approved continuing education provider, a county, state or governmental entity, or a college or university.

(e) The board shall not issue a subsequent registration number unless the registrant has passed the California law and ethics examination.

(f) This section shall become operative on January 1, 2013.

SEC. 5. Section 4980.40 of the Business and Professions Code is amended to read:

4980.40. To qualify for a license, an applicant shall have all of the following qualifications:

(a) Meet the educational requirements of Section 4980.36 or both Sections 4980.37 and 4980.41, as applicable.

(b) Be at least 18 years of age.

(c) Have at least two years of experience that meet the requirements of Section 4980.43.

(d) Pass a board administered written or oral examination or both types of examinations, except that an applicant who passed a written examination and who has not taken and passed an oral examination shall instead be required to take and pass a clinical vignette written examination.

(e) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(f) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 6. Section 4980.40 is added to the Business and Professions Code, to read:

4980.40. To qualify for a license, an applicant shall have all of the following qualifications:

(a) Meet the educational requirements of Section 4980.36 or both Sections 4980.37 and 4980.41, as applicable.

(b) Be at least 18 years of age.

(c) Have at least two years of experience that meet the requirements of Section 4980.43.

(d) Effective January 1, 2013, successfully pass a California law and ethics examination and a clinical examination. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

(e) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(f) This section shall become operative on January 1, 2013.

SEC. 7. Section 4980.50 of the Business and Professions Code is amended to read:

4980.50. (a) Every applicant who meets the educational and experience requirements and applies for a license as a marriage and family therapist shall be examined by the board. The examinations shall be as set forth in subdivision (d) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The board shall not deny any applicant, who has submitted a complete application for examination, admission to the licensure examinations required

by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the standard written examination, nor shall the board postpone or delay any applicant's standard written examination or delay informing the candidate of the results of the standard written examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(d) If an applicant for examination who has passed the standard written examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical vignette written examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the standard written or clinical vignette written examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(f) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(g) On or after January 1, 2002, no applicant shall be eligible to participate in a clinical vignette written examination if his or her passing score on the standard written examination occurred more than seven years before.

(h) An applicant who has qualified pursuant to this chapter shall be issued a license as a marriage and family therapist in the form that the board may deem appropriate.

(i) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 8. Section 4980.50 is added to the Business and Professions Code, to read:

4980.50. Effective January 1, 2013, the following shall apply:

(a) Every applicant who meets the educational and experience requirements and applies for a license as a marriage and family therapist shall be examined by the board. The examinations shall be as set forth in subdivision (d) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to his or her

knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The board shall not deny any applicant, who has submitted a complete application for examination, admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(d) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(f) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(g) Effective January 1, 2013, no applicant shall be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.

(h) An applicant who has qualified pursuant to this chapter shall be issued a license as a marriage and family therapist in the form that the board may deem appropriate.

(i) This section shall become operative on January 1, 2013.

SEC. 9. Section 4984.01 of the Business and Professions Code is amended to read:

4984.01. (a) The marriage and family therapist intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew the registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

- (1) Apply for renewal on a form prescribed by the board.
- (2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against him or her by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

(c) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a new intern registration if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant who is issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

(d) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 10. Section 4984.01 is added to the Business and Professions Code, to read:

4984.01. (a) The marriage and family therapist intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew the registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

- (1) Apply for renewal on a form prescribed by the board.
- (2) Pay a renewal fee prescribed by the board.

(3) Participate in the California law and ethics examination pursuant to Section 4980.399 each year until successful completion of this examination.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against him or her by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

(c) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a new intern registration if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration and has passed the California law and ethics examination described in Section 4980.399. An applicant who is issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

(d) This section shall become operative on January 1, 2013.

SEC. 11. Section 4984.7 of the Business and Professions Code is amended to read:

4984.7. (a) The board shall assess the following fees relating to the licensure of marriage and family therapists:

(1) The application fee for an intern registration shall be seventy-five dollars (\$75).

(2) The renewal fee for an intern registration shall be seventy-five dollars (\$75).

(3) The fee for the application for examination eligibility shall be one hundred dollars (\$100).

(4) The fee for the standard written examination shall be one hundred dollars (\$100). The fee for the clinical vignette examination shall be one hundred dollars (\$100).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars (\$20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred eighty dollars (\$180).

(7) The fee for license renewal shall be a maximum of one hundred eighty dollars (\$180).

(8) The fee for inactive license renewal shall be a maximum of ninety dollars (\$90).

(9) The renewal delinquency fee shall be a maximum of ninety dollars (\$90). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

(12) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

(c) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 12. Section 4984.7 is added to the Business and Professions Code, to read:

4984.7. (a) The board shall assess the following fees relating to the licensure of marriage and family therapists:

(1) The application fee for an intern registration shall be seventy-five dollars (\$75).

(2) The renewal fee for an intern registration shall be seventy-five dollars (\$75).

(3) The fee for the application for examination eligibility shall be one hundred dollars (\$100).

(4) The fee for the clinical examination shall be one hundred dollars (\$100). The fee for the California law and ethics examination shall be one hundred dollars (\$100).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars (\$20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred eighty dollars (\$180).

(7) The fee for license renewal shall be a maximum of one hundred eighty dollars (\$180).

(8) The fee for inactive license renewal shall be a maximum of ninety dollars (\$90).

(9) The renewal delinquency fee shall be a maximum of ninety dollars (\$90). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

(12) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

(c) This section shall become operative on January 1, 2013.

SEC. 13. Section 4984.72 of the Business and Professions Code is amended to read:

4984.72. (a) An applicant who fails a standard or clinical vignette written examination may, within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of the fee for the examination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all requirements in effect on the date of application, and pays all required fees.

(b) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 14. Section 4984.72 is added to the Business and Professions Code, to read:

4984.72. (a) Effective January 1, 2013, an applicant who fails the clinical examination may, within one year from the notification date of that failure,

retake the examination as regularly scheduled without further application upon payment of the fee for the examination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all requirements in effect on the date of application, and pays all required fees.

(b) This section shall become operative on January 1, 2013.

SEC. 15. Section 4992.05 is added to the Business and Professions Code, to read:

4992.05. (a) Effective January 1, 2013, an applicant for licensure as a clinical social worker shall pass the following two examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination.

(b) Upon registration with the board, an associate social worker registrant shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant may take the clinical examination only upon meeting all of the following requirements:

(1) Completion of all education requirements.

(2) Passage of the California law and ethics examination.

(3) Completion of all required supervised work experience.

(d) This section shall become operative on January 1, 2013.

SEC. 16. Section 4992.07 is added to the Business and Professions Code, to read:

4992.07. (a) An applicant who had previously taken and passed the standard written examination shall also obtain a passing score on the clinical examination in order to be eligible for licensure.

(b) An applicant who had previously failed to obtain a passing score on the standard written examination shall obtain a passing score on the California law and ethics examination and the clinical examination.

(c) An applicant who had previously failed to obtain a passing score on the clinical vignette examination shall obtain a passing score on the clinical examination.

(d) An applicant who had obtained eligibility for the standard written examination shall take the California law and ethics examination and the clinical examination.

(e) This section shall become operative on January 1, 2013.

SEC. 17. Section 4992.09 is added to the Business and Professions Code, to read:

4992.09. (a) An applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.

(c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application except for as provided in subdivision (d).

(d) If a registrant fails to obtain a passing score on the California law and ethics examination described in subdivision (a) within his or her first renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by the section shall be taken through a board-approved continuing education provider, a county, state or governmental entity, or a college or university.

(e) The board shall not issue a subsequent registration number unless the registrant has passed the California law and ethics examination.

(f) This section shall become operative on January 1, 2013.

SEC. 18. Section 4992.1 of the Business and Professions Code, as amended by Section 1 of Chapter 546 of the Statutes of 2010, is amended to read:

4992.1. (a) Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take the examination.

(b) Every applicant who is issued a clinical social worker license shall be examined by the board.

(c) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(d) The board shall not deny any applicant, whose application for licensure is complete, admission to the standard written examination, nor shall the board postpone or delay any applicant's standard written examination or delay informing the candidate of the results of the standard written examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(e) If an applicant for examination who has passed the standard written examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical vignette written examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the standard written or clinical vignette written examination permission to retake either examination pending completion of the investigation of any complaint against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(g) On or after January 1, 2002, no applicant shall be eligible to participate in a clinical vignette written examination if his or her passing score on the standard written examination occurred more than seven years before.

(h) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 19. Section 4992.1 is added to the Business and Professions Code, to read:

4992.1. (a) Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take an examination under this chapter.

(b) Every applicant who is issued a clinical social worker license shall be examined by the board.

(c) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(d) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(e) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaint against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(g) Effective January 1, 2013, no applicant shall be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.

(h) This section shall become operative on January 1, 2013.

SEC. 20. Section 4992.1 of the Business and Professions Code, as added by Section 2 of Chapter 546 of the Statutes of 2010, is repealed.

SEC. 21. Section 4996.1 of the Business and Professions Code, as amended by Section 3 of Chapter 546 of the Statutes of 2010, is amended to read:

4996.1. (a) The board shall issue a clinical social worker license to each applicant who qualifies pursuant to this article and successfully passes a board-administered written or oral examination or both examinations. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

(b) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 22. Section 4996.1 is added to the Business and Professions Code, to read:

4996.1. (a) Effective January 1, 2013, the board shall issue a clinical social worker license to each applicant who qualifies pursuant to this article and who successfully passes a California law and ethics examination and a clinical examination. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

(b) This section shall become operative on January 1, 2013.

SEC. 23. Section 4996.1 of the Business and Professions Code, as added by Section 4 of Chapter 546 of the Statutes of 2010, is repealed.

SEC. 24. Section 4996.3 of the Business and Professions Code, as amended by Section 5.3 of Chapter 548 of the Statutes of 2010, is amended to read:

4996.3. (a) The board shall assess the following fees relating to the licensure of clinical social workers:

(1) The application fee for registration as an associate clinical social worker shall be seventy-five dollars (\$75).

(2) The fee for renewal of an associate clinical social worker registration shall be seventy-five dollars (\$75).

(3) The fee for application for examination eligibility shall be one hundred dollars (\$100).

(4) The fee for the standard written examination shall be a maximum of one hundred fifty dollars (\$150). The fee for the clinical vignette examination shall be one hundred dollars (\$100).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fees.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The written examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars (\$20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred fifty-five dollars (\$155).

(7) The fee for license renewal shall be a maximum of one hundred fifty-five dollars (\$155).

(8) The fee for inactive license renewal shall be a maximum of seventy-seven dollars and fifty cents (\$77.50).

(9) The renewal delinquency fee shall be seventy-five dollars (\$75). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

(12) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

(c) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 25. Section 4996.3 is added to the Business and Professions Code, to read:

4996.3. (a) The board shall assess the following fees relating to the licensure of clinical social workers:

(1) The application fee for registration as an associate clinical social worker shall be seventy-five dollars (\$75).

(2) The fee for renewal of an associate clinical social worker registration shall be seventy-five dollars (\$75).

(3) The fee for application for examination eligibility shall be one hundred dollars (\$100).

(4) The fee for the clinical examination shall be one hundred dollars (\$100). The fee for the California law and ethics examination shall be one hundred dollars (\$100).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fees.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The written examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars (\$20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred fifty-five dollars (\$155).

(7) The fee for license renewal shall be a maximum of one hundred fifty-five dollars (\$155).

(8) The fee for inactive license renewal shall be a maximum of seventy-seven dollars and fifty cents (\$77.50).

(9) The renewal delinquency fee shall be seventy-five dollars (\$75). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

(12) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

(c) This section shall become operative on January 1, 2013.

SEC. 26. Section 4996.3 of the Business and Professions Code, as added by Section 6 of Chapter 546 of the Statutes of 2010, is repealed.

SEC. 27. Section 4996.3 of the Business and Professions Code, as added by Section 5.6 of Chapter 548 of the Statutes of 2010, is repealed.

SEC. 28. Section 4996.4 of the Business and Professions Code, as amended by Section 7 of Chapter 546 of the Statutes of 2010, is amended to read:

4996.4. (a) An applicant who fails a standard or clinical vignette written examination may, within one year from the notification date of failure, retake that examination as regularly scheduled, without further application, upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all required fees.

(b) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 29. Section 4996.4 is added to the Business and Professions Code, to read:

4996.4. (a) Effective January 1, 2013, an applicant who fails the clinical examination may, within one year from the notification date of failure, retake that examination as regularly scheduled, without further application, upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all required fees.

(b) This section shall become operative on January 1, 2013.

SEC. 30. Section 4996.4 of the Business and Professions Code, as added by Section 8 of Chapter 546 of the Statutes of 2010, is repealed.

SEC. 31. Section 4996.28 of the Business and Professions Code is amended to read:

4996.28. (a) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. To renew a registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

- (1) Apply for renewal on a form prescribed by the board.
- (2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken by a regulatory or licensing board in this or any other state, subsequent to the last renewal of the registration.

(4) On and after January 1, 2013, obtain a passing score on the California law and ethics examination pursuant to Section 4992.09.

(b) A registration as an associate clinical social worker may be renewed a maximum of five times. When no further renewals are possible, an applicant may apply for and obtain a new associate clinical social worker registration if the applicant meets all requirements for registration in effect at the time of his or her application for a new associate clinical social worker registration. An applicant issued a subsequent associate registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

SEC. 32. Section 4999.45 of the Business and Professions Code is amended to read:

4999.45. An intern employed under this chapter shall:

(a) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an intern.

(b) Not be employed or volunteer in a private practice until registered as an intern.

(c) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.

(d) File for renewal annually for a maximum of five years after initial registration with the board.

(e) Cease continued employment as an intern after six years unless the requirements of subdivision (f) are met.

(f) When no further renewals are possible, an applicant may apply for and obtain a new intern registration if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

(g) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 33. Section 4999.45 is added to the Business and Professions Code, to read:

4999.45. (a) An intern employed under this chapter shall:

(1) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an intern.

(2) Not be employed or volunteer in a private practice until registered as an intern.

(3) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.

(4) File for renewal annually for a maximum of five years after initial registration with the board.

(5) Cease continued employment as an intern after six years unless the requirements of subdivision (b) are met.

(b) When no further renewals are possible, an applicant may apply for and obtain a new intern registration if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

(c) This section shall become operative on January 1, 2013.

SEC. 34. Section 4999.46 of the Business and Professions Code is amended to read:

4999.46. (a) To qualify for the licensure examinations specified in subdivision (c) of Section 4999.52, applicants shall complete clinical mental health experience under the general supervision of an approved supervisor as defined in Section 4999.12.

(b) The experience shall include a minimum of 3,000 postdegree hours of supervised clinical mental health experience related to the practice of professional clinical counseling, performed over a period of not less than two years (104 weeks), which shall include:

(1) Not more than 40 hours in any seven consecutive days.

(2) Not less than 1,750 hours of direct counseling with individuals or groups in a setting described in Section 4999.44 using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.

(3) Not more than 500 hours of experience providing group therapy or group counseling.

(4) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.

(5) Not less than 150 hours of clinical experience in a hospital or community mental health setting.

(6) Not more than a combined total of 1,250 hours of experience in the following related activities:

(A) Direct supervisor contact.

(B) Client centered advocacy.

(C) Not more than 250 hours of experience administering tests and evaluating psychological tests of clients, writing clinical reports, writing progress notes, or writing process notes.

(D) Not more than 250 hours of verified attendance at workshops, training sessions, or conferences directly related to professional clinical counseling that are approved by the applicant's supervisor.

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the

applicant applies for intern registration within 90 days of the granting of the qualifying degree and is registered as an intern by the board.

(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than five hours of supervision, whether individual or group, shall be credited during any single week.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained.

(3) For purposes of this section, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

(4) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

(h) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 35. Section 4999.46 is added to the Business and Professions Code, to read:

4999.46. (a) To qualify for the licensure examination specified by paragraph (2) of subdivision (a) of Section 4999.53, applicants shall complete clinical mental health experience under the general supervision of an approved supervisor as defined in Section 4999.12.

(b) The experience shall include a minimum of 3,000 postdegree hours of supervised clinical mental health experience related to the practice of professional clinical counseling, performed over a period of not less than two years (104 weeks), which shall include:

(1) Not more than 40 hours in any seven consecutive days.

(2) Not less than 1,750 hours of direct counseling with individuals or groups in a setting described in Section 4999.44 using a variety of

psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.

(3) Not more than 500 hours of experience providing group therapy or group counseling.

(4) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.

(5) Not less than 150 hours of clinical experience in a hospital or community mental health setting.

(6) Not more than a combined total of 1,250 hours of experience in the following related activities:

(A) Direct supervisor contact.

(B) Client centered advocacy.

(C) Not more than 250 hours of experience administering tests and evaluating psychological tests of clients, writing clinical reports, writing progress notes, or writing process notes.

(D) Not more than 250 hours of verified attendance at workshops, training sessions, or conferences directly related to professional clinical counseling that are approved by the applicant's supervisor.

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is registered as an intern by the board.

(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than five hours of supervision, whether individual or group, shall be credited during any single week.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained.

(3) For purposes of this section, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

(4) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

(h) This section shall become operative on January 1, 2013.

SEC. 36. Section 4999.50 of the Business and Professions Code is amended to read:

4999.50. (a) The board may issue a professional clinical counselor license to any person who meets all of the following requirements:

(1) He or she has received a master’s or doctoral degree described in Section 4999.32 or 4999.33, as applicable.

(2) He or she has completed at least 3,000 hours of supervised experience in the practice of professional clinical counseling as provided in Section 4999.46.

(3) He or she provides evidence of a passing score, as determined by the board, on examinations designated by the board pursuant to Section 4999.52.

(b) An applicant who has satisfied the requirements of this chapter shall be issued a license as a professional clinical counselor in the form that the board may deem appropriate.

(c) The board shall begin accepting applications for examination eligibility on January 1, 2012.

(d) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 37. Section 4999.50 is added to the Business and Professions Code, to read:

4999.50. (a) The board may issue a professional clinical counselor license to any person who meets all of the following requirements:

(1) He or she has received a master’s or doctoral degree described in Section 4999.32 or 4999.33, as applicable.

(2) He or she has completed at least 3,000 hours of supervised experience in the practice of professional clinical counseling as provided in Section 4999.46.

(3) He or she provides evidence of a passing score, as determined by the board, on the examinations designated in Section 4999.53.

(b) An applicant who has satisfied the requirements of this chapter shall be issued a license as a professional clinical counselor in the form that the board may deem appropriate.

(c) This section shall become operative on January 1, 2013.

SEC. 38. Section 4999.52 of the Business and Professions Code is amended to read:

4999.52. (a) Except as provided in Sections 4999.54 and 4999.56, every applicant for a license as a professional clinical counselor shall be examined by the board. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine.

(c) (1) It is the intent of the Legislature that national licensing examinations, such as the National Counselor Examination for Licensure and Certification (NCE) and the National Clinical Mental Health Counselor Examination (NCMHCE), be evaluated by the board as requirements for licensure as a professional clinical counselor.

(2) The board shall evaluate various national examinations in order to determine whether they meet the prevailing standards for the validation and use of licensing and certification tests in California.

(3) The Department of Consumer Affairs' Office of Professional Examination Services shall review the occupational analysis that was used for developing the national examinations in order to determine if it adequately describes the licensing group and adequately determines the tasks, knowledge, skills, and abilities the licensed professional clinical counselor would need to perform the functions under this chapter.

(4) Examinations shall measure knowledge and abilities demonstrably important to the safe, effective practice of the profession.

(5) If national examinations do not meet the standards specified in paragraph (2), the board may require a passing score on either of the following:

(A) The national examinations plus one or more board-developed examinations.

(B) One or more board-developed examinations.

(6) The licensing examinations shall also incorporate a California law and ethics examination element that is acceptable to the board, or, as an alternative, the board may develop a separate California law and ethics examination.

(d) The board shall not deny any applicant who has submitted a complete application for examination admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(e) The board shall not deny any applicant whose application for licensure is complete admission to the examinations, nor shall the board postpone or delay any applicant's examinations or delay informing the candidate of the results of the examinations, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(f) If an applicant for examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit

the applicant to take the examinations, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(g) Notwithstanding Section 135, the board may deny any applicant who has previously failed an examination permission to retake that examination pending completion of the investigation of any complaints against the applicant.

(h) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

(i) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(j) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 39. Section 4999.52 is added to the Business and Professions Code, to read:

4999.52. (a) Except as provided in Sections 4999.54 and 4999.56, every applicant for a license as a professional clinical counselor shall be examined by the board. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine.

(c) The board shall not deny any applicant who has submitted a complete application for examination admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(d) The board shall not deny any applicant whose application for licensure is complete admission to the examinations specified by paragraph (2) of subdivision (a) of Section 4999.53, nor shall the board postpone or delay this examination for any applicant or delay informing the candidate of the results of this examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(e) If an applicant for the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, who has passed the California law and ethics examination, is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take this examination, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination, or

the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, permission to retake either examination pending completion of the investigation of any complaints against the applicant.

(g) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

(h) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(i) On and after January 1, 2013, the examination specified by paragraph (2) of subdivision (a) of Section 4999.53 shall be passed within seven years of an applicant's initial attempt.

(j) No applicant shall be eligible to participate in the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, if he or she fails to obtain a passing score on this examination within seven years from his or her initial attempt. If the applicant fails to obtain a passing score within seven years of initial attempt, he or she shall obtain a passing score on the current version of the California law and ethics examination in order to be eligible to retake this examination.

(k) The provisions of this section shall become operative on January 1, 2013.

SEC. 40. Section 4999.53 is added to the Business and Professions Code, to read:

4999.53. (a) Effective January 1, 2013, a clinical counselor intern applying for licensure as a clinical counselor shall pass the following examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination administered by the board, or the National Clinical Mental Health Counselor Examination if the board finds that this examination meets the prevailing standards for validation and use of the licensing and certification tests in California.

(b) Upon registration with the board, a clinical counselor intern shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant may take the clinical examination or the National Clinical Mental Health Counselor Examination, as established by the board through regulation, only upon meeting all of the following requirements:

(1) Completion of all required supervised work experience.

(2) Completion of all education requirements.

(3) Passage of the California law and ethics examination.

(d) This section shall become operative on January 1, 2013.

SEC. 41. Section 4999.55 is added to the Business and Professions Code, to read:

4999.55. (a) Each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.

(c) If an applicant fails the California law and ethics exam, he or she may retake the examination, upon payment of the required fees, without further application, except as provided in subdivision (d).

(d) If a registrant fails to obtain a passing score on the California law and ethics examination described in subdivision (a) within his or her first renewal period on or after the operative date of this section, he or she shall complete, at minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a board-approved continuing education provider, a county, state, or governmental entity, or a college or university.

(e) The board shall not issue a subsequent registration number unless the registrant has passed the California law and ethics examination.

(f) This section shall become operative January 1, 2013.

SEC. 42. Section 4999.63 is added to the Business and Professions Code, to read:

4999.63. (a) For applicants who submit an application for a license on or before January 1, 2013, a valid passing score on the examination referenced in subdivision (c) of Section 4999.52 shall have been obtained less than seven years prior to the application date.

(b) For applicants who submit an application for a license on and after January 1, 2013, a valid passing score on the examination referenced in paragraph (2) of subdivision (a) of Section 4999.53 shall have been obtained less than seven years prior to the application date.

SEC. 43. Section 4999.64 is added to the Business and Professions Code, to read:

4999.64. (a) Effective January 1, 2013, an applicant who fails the examination specified in paragraph (2) of subdivision (a) of Section 4999.53 may, within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of the fee for the examination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all requirements in effect on the date of application, and pays all required fees.

(b) This section shall become operative on January 1, 2013.

SEC. 44. Section 4999.100 of the Business and Professions Code is amended to read:

4999.100. (a) An intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant shall, on or before the expiration date of the registration, do the following:

- (1) Apply for a renewal on a form prescribed by the board.
- (2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

(c) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 45. Section 4999.100 is added to the Business and Professions Code, to read:

4999.100. (a) An intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant shall, on or before the expiration date of the registration, do the following:

- (1) Apply for a renewal on a form prescribed by the board.
- (2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

(4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.

(c) The intern registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a new intern registration if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration and has passed the California law and ethics examination described in Section 4999.53. An applicant who is issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

(d) This section shall become operative on January 1, 2013.

SEC. 46. Section 4999.120 of the Business and Professions Code is amended to read:

4999.120. The board shall assess fees for the application for, and the issuance and renewal of licenses and for the registration of, interns to cover administrative and operating expenses of the board related to this chapter. Fees assessed pursuant to this section shall not exceed the following:

(a) The fee for the application for examination eligibility shall be up to two hundred fifty dollars (\$250).

(b) The fee for the application for intern registration shall be up to one hundred fifty dollars (\$150).

(c) The fee for the application for licensure shall be up to one hundred eighty dollars (\$180).

(d) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be up to two hundred fifty dollars (\$250).

(e) The fee for the law and ethics examination shall be up to one hundred fifty dollars (\$150).

(f) The fee for the examination described in subdivision (b) of Section 4999.54 shall be up to one hundred dollars (\$100).

(g) The fee for the issuance of a license shall be up to two hundred fifty dollars (\$250).

(h) The fee for annual renewal of licenses issued pursuant to Section 4999.54 shall be up to one hundred fifty dollars (\$150).

(i) The fee for annual renewal of an intern registration shall be up to one hundred fifty dollars (\$150).

(j) The fee for two-year renewal of licenses shall be up to two hundred fifty dollars (\$250).

(k) The fee for issuance of a retired license shall be forty dollars (\$40).

SEC. 46.5. Section 4999.120 of the Business and Professions Code is amended to read:

4999.120. The board shall assess fees for the application for and the issuance and renewal of licenses and for the registration of interns to cover administrative and operating expenses of the board related to this chapter. Fees assessed pursuant to this section shall not exceed the following:

(a) The fee for the application for examination eligibility shall be up to two hundred fifty dollars (\$250).

(b) The fee for the application for intern registration shall be up to one hundred fifty dollars (\$150).

(c) The fee for the application for licensure shall be up to one hundred eighty dollars (\$180).

(d) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be up to two hundred fifty dollars (\$250).

(e) The fee for the law and ethics examination shall be up to one hundred fifty dollars (\$150).

(f) The fee for the examination described in subdivision (b) of Section 4999.54 shall be up to one hundred dollars (\$100).

(g) The fee for the issuance of a license shall be up to two hundred fifty dollars (\$250).

(h) The fee for annual renewal of licenses issued pursuant to Section 4999.54 shall be up to one hundred fifty dollars (\$150).

(i) The fee for annual renewal of an intern registration shall be up to one hundred fifty dollars (\$150).

(j) The fee for two-year renewal of licenses shall be up to two hundred fifty dollars (\$250).

(k) The fee for issuance of a retired license shall be forty dollars (\$40).

(l) The fee for rescoring an examination shall be twenty dollars (\$20).

(m) The fee for issuance of a replacement license or registration shall be twenty dollars (\$20).

(n) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

SEC. 47. Section 46.5 of this bill incorporates amendments to Section 4999.120 of the Business and Professions Code proposed by both this bill and Senate Bill 146. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 4999.120 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 146, in which case Section 46 of this bill shall not become operative.

O

Senate Bill No. 274

CHAPTER 148

An act to amend Sections 4980.10, 4999.47, 4999.54, 4999.102, and 4999.104 of, to add Sections 4989.13, 4991.1, and 4999.13 to, and to repeal Sections 4999.56 and 4999.101 of, the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 1, 2011. Filed with
Secretary of State August 1, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 274, Wyland. Healing arts.

Existing law, the Marriage and Family Therapist Act, provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. Existing law, the Educational Psychologist Practice Act, provides for the licensure and regulation of educational psychologists by the Board of Behavioral Sciences. Existing law, the Clinical Social Worker Practice Act, provides for the licensure and regulation of social workers by the Board of Behavioral Sciences. Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of professional clinical counselors by the Board of Behavioral Sciences. Existing law authorizes the board to issue a professional clinical counselor license to any person submitting an application between January 1, 2011, and June 30, 2011, if that applicant meets specified requirements, including the requirement that the applicant have at least 2 years of postdegree counseling experience that includes specified hours of experience in a clinical setting supervised by a marriage and family therapist, clinical social worker, psychologist, physician and surgeon specializing in psychiatry, or master's level counselor or therapist, as specified. Existing law makes these licenses valid for 6 years, specifies that such a license expires one year from the date of issuance, and prescribes a specified renewal procedure. Existing law provides that other professional clinical licenses expire no more than 24 months after the date of issuance and may be renewed within 3 years of expiration. Existing law also governs the regulation of clinical counselor trainees and interns. Existing law allows clinical counselor trainees, interns, and applicants to perform services as an employee or as a volunteer, but not as an independent contractor.

This bill would set forth provisions that would provide that a person engages in the practice of marriage and family therapy, educational psychology, clinical social work, or professional clinical counseling when he or she performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including

donations. The bill would authorize the board to issue a professional clinical counselor license to any person submitting an application between January 1, 2011, and December 31, 2011, if that applicant meets specified requirements, and would add a professional clinical counselor and a person who is licensed out of state to independently practice professional clinical counseling to the list of persons who an applicant may have supervise his or her hours of experience in a clinical setting. The bill would provide that all licenses issued expire no more than 24 months after the issuance date and that all of these licenses would be eligible for renewal within 3 years of expiration. The bill would revise and recast the provision relating to clinical counselor trainees, interns, and applicants, and instead provide that experience shall not be gained by clinical counselor interns or trainees as an independent contractor. The bill would require a clinical counselor intern when applying for licensure as a professional clinical counselor to show proof of his or her employment as an employee or volunteer by providing to the board copies of his or her W-2 tax forms or a letter from an employer verifying employment as a volunteer for each year of experience claimed.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 4980.10 of the Business and Professions Code is amended to read:

4980.10. A person engages in the practice of marriage and family therapy when he or she performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.

SEC. 2. Section 4989.13 is added to the Business and Professions Code, to read:

4989.13. A person engages in the practice of educational psychology when he or she performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.

SEC. 3. Section 4991.1 is added to the Business and Professions Code, to read:

4991.1. A person engages in the practice of clinical social work when he or she performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.

SEC. 4. Section 4999.13 is added to the Business and Professions Code, to read:

4999.13. A person engages in the practice of professional clinical counseling when he or she performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.

SEC. 5. Section 4999.47 of the Business and Professions Code is amended to read:

4999.47. (a) Clinical counselor trainees, interns, and applicants shall perform services as an employee or as a volunteer.

The requirements of this chapter regarding gaining hours of clinical mental health experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by clinical counselor interns or trainees as an independent contractor.

(1) If employed, a clinical counselor intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure as a professional clinical counselor.

(2) If volunteering, a clinical counselor intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure as a professional clinical counselor.

(b) Clinical counselor trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

(c) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(d) Clinical counselor trainees, interns, and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those clinical counselor trainees, interns, and applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor.

(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(f) Clinical counselor trainees, interns, and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and supervisor in compliance with the laws and regulations pertaining to supervision. Clinical counselor trainees, interns, and applicants shall have no proprietary interest in the employer's business.

(g) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and clinical counselor trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

SEC. 6. Section 4999.54 of the Business and Professions Code is amended to read:

4999.54. (a) Notwithstanding Section 4999.50, the board may issue a license to any person who submits an application for a license between January 1, 2011, and December 31, 2011, provided that all documentation is submitted within 12 months of the board's evaluation of the application, and provided he or she meets one of the following sets of criteria:

(1) He or she meets all of the following requirements:

(A) Has a master's or doctoral degree from a school, college, or university as specified in Section 4999.32, that is counseling or psychotherapy in content. If the person's degree does not include all the graduate coursework in all nine core content areas as required by paragraph (1) of subdivision (c) of Section 4999.32, a person shall provide documentation that he or she has completed the required coursework prior to licensure pursuant to this chapter. Except as specified in clause (ii), a qualifying degree must include the supervised practicum or field study experience as required in paragraph (3) of subdivision (c) of Section 4999.32.

(i) A counselor educator whose degree contains at least seven of the nine required core content areas shall be given credit for coursework not contained in the degree if the counselor educator provides documentation that he or she has taught the equivalent of the required core content areas in a graduate program in counseling or a related area.

(ii) Degrees issued prior to 1996 shall include a minimum of 30 semester units or 45 quarter units and at least six of the nine required core content areas specified in paragraph (1) of subdivision (c) of Section 4999.32 and three semester units or four and one-half quarter units of supervised practicum or field study experience. The total number of units shall be no less than 48 semester units or 72 quarter units.

(iii) Degrees issued in 1996 and after shall include a minimum of 48 semester units or 72 quarter units and at least seven of the nine core content areas specified in paragraph (1) of subdivision (c) of Section 4999.32.

(B) Has completed all of the coursework or training specified in subdivision (e) of Section 4999.32.

(C) Has at least two years, full-time or the equivalent, of postdegree counseling experience, that includes at least 1,700 hours of experience in a clinical setting supervised by a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, a licensed physician and surgeon specializing in psychiatry, a professional clinical counselor or a person who is licensed in another state to independently practice professional clinical counseling, as defined in Section 4999.20, or a master's level counselor or therapist who is certified by a national certifying or registering organization, including, but not limited to, the National Board for Certified Counselors or the Commission on Rehabilitation Counselor Certification.

(D) Has a passing score on the following examinations:

(i) The National Counselor Examination for Licensure and Certification or the Certified Rehabilitation Counselor Examination.

- (ii) The National Clinical Mental Health Counselor Examination.
- (iii) A California jurisprudence and ethics examination, when developed by the board.

(2) Is currently licensed as a marriage and family therapist in the State of California, meets the coursework requirements described in subparagraph (A) of paragraph (1), and passes the examination described in subdivision (b).

(3) Is currently licensed as a clinical social worker in the State of California, meets the coursework requirements described in subparagraph (A) of paragraph (1), and passes the examination described in subdivision (b).

(b) (1) The board and the Office of Professional Examination Services shall jointly develop an examination on the differences, if any differences exist, between the following:

(A) The practice of professional clinical counseling and the practice of marriage and family therapy.

(B) The practice of professional clinical counseling and the practice of clinical social work.

(2) If the board, in consultation with the Office of Professional Examination Services, determines that an examination is necessary pursuant to this subdivision, an applicant described in paragraphs (2) and (3) of subdivision (a) shall pass the examination as a condition of licensure.

(c) Nothing in this section shall be construed to expand or constrict the scope of practice of professional clinical counseling, as defined in Section 4999.20.

SEC. 7. Section 4999.56 of the Business and Professions Code is repealed.

SEC. 8. Section 4999.101 of the Business and Professions Code is repealed.

SEC. 9. Section 4999.102 of the Business and Professions Code is amended to read:

4999.102. (a) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(b) To renew an unexpired license described in subdivision (a), the licensee, on or before the expiration date of the license, shall do all of the following:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a two-year renewal fee prescribed by the board.

(3) Certify compliance with the continuing education requirements set forth in Section 4999.76.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

SEC. 10. Section 4999.104 of the Business and Professions Code is amended to read:

4999.104. Licenses issued under this chapter that have expired may be renewed at any time within three years of expiration. To renew an expired license described in this section, the licensee shall do all of the following:

- (a) File an application for renewal on a form prescribed by the board.
- (b) Pay all fees that would have been paid if the license had not become delinquent.
- (c) Pay all delinquency fees.
- (d) Certify compliance with the continuing education requirements set forth in Section 4999.76.
- (e) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make necessary changes to the practices of marriage and family therapy, educational psychology, clinical social work, and professional clinical counseling that are governed by the Board of Behavioral Sciences as soon as possible, including, to ensure that the grandparenting path is still an available option to licensed professional clinical counselor applicants for a six-month time period, and to preserve the intent of Senate Bill 788 (Chapter 619 of the Statutes of 2009) that authorized the licensure of licensed professional clinical counselors, it is necessary for this act to take effect immediately.

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To: Policy and Advocacy Committee

Date: January 31, 2013

From: Steve Sodergren
Assistant Executive Officer

Telephone: (916) 574-7847

Subject: Discussion and Possible Action Regarding Proposed Revisions to California Code of Regulations, Title 16, Division 18, Article 8 Board of Behavioral Sciences Continuing Education Requirements

Background

The Board voted at its November 2011 meeting to create a two-member committee to review and discuss the Board's current CE provider requirements (Attachment A) and other models of continuing education in response to a number of issues, identified by staff, related to CE Provider requirements. During 2012 the Continuing Education Provider Review Committee met to discuss the following concerns:

1. Current Scope of Approval Authority

The Board has no authority to *approve* individual CE courses. Language expressly permitting the review of course content and instructor qualification relates only to an initial approval application. This review of coursework content and instructor qualification does not extend to renewal or maintenance of a CE Provider's approval, except through the audit process (as discussed in a subsequent section). The Board also does not have the authority to approve an instructor. In order to renew, a CE provider must submit the renewal form with the required fee.

2. Review of Coursework/Content

As discussed above, courses and content by a CE Provider are not Board approved; a provider is approved based on the content of courses and qualification of instructors presented in the initial application package. For example, a CE Provider may apply to the Board for approval, submit coursework content and instructor information and receive approval based on the information submitted. However, the CE Provider is now approved and any course that the provider adds that meets general requirements will be accepted for credit by the Board.

Providers are not required to inform the Board of any changes in courses offered or any new courses added. Providers are also not required to inform the Board of any new instructors. Therefore, licensees obtaining CE hours from approved providers assume that the coursework meets the Board's requirements because the course is offered through an approved provider.

3. Expired Provider Approval

16 CCR Section 1887.7(e) prohibits a provider whose approval has expired from presenting a course for CE credit to licensees of the Board. However, 16 CCR Section 1887.13 states that upon application for renewal of an expired approval, a provider must submit a letter stating that during the time of expiration no courses were presented *but* if courses *were* presented during the expired period the letter shall state “that all participants have been notified that the providers approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one year after the expiration.” In addition to this being contradictory it seems to spawn unaccountability and shows a lack of standards for those licensees required to receive mandatory education in the pursuit of continued competent practice of a profession.

4. Self-Study Versus Online Learning

Board regulations define a CE course as “...a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.”

A self-study course is defined as “...a form of systematic learning performed at a licensee's residence, office or other location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).”

In 2003, the Board amended the definition of CE courses found in 16 CCR Section 1887 to include online education which was previously included in the definition of a “self-study course.” This change allowed licensees to effectively gain all CE hours through online means. In 2008, the Board proposed to delete the regulatory provision which allowed CE credit for courses obtained through self-study. However, through a number of public meetings on the proposed revisions and in response to public and stakeholder comments, the Board instead maintained the category of self-study courses but raised the limit of the amount of hours credited through the completion of self-study courses from 12 hours to 18 hours (half of the biennial CE hour requirement).

Because of the proliferation of online providers, advancements in technology and increased access to computers, there has been much confusion for staff and licensees taking online courses (unlimited amount of hours credited) and how they differ from self-study courses (18-hour limit).

5. Cite and Fine CE Providers

Currently, if the Board finds that a CE Provider applicant or current CE Provider is in violation of the law relating to the provision of CE, the Board has authority to either deny an application or revoke a provider's approval; the Board does not have the authority to take less serious action, such as to cite and fine a provider and allow the provider to resolve any issues. In 2006, the Board began the regulatory process to allow the Board to cite and fine approved CE Providers; however, the rulemaking failed to move forward.

6. CE Credit for Examination Development

Currently the Board develops all examinations for LMFT, LEP, and LCSW licensure. Additionally, the Board develops the Law and Ethics examination for LPCCs. The Board will facilitate, with the Office of Professional Examination Services, 57 workshops in fiscal year 2011-12. Each workshop has seven to nine licensees that act as subject matter experts (SMEs) in every segment of the examination development including: item writing, item review, exam construction, and setting a passing score. SMEs are provided standard travel expense reimbursement and a payment for services rendered. Licensees that participate in item writing workshops are paid a rate of three-

hundred dollars (\$300) a day and all other workshop participants are paid at a rate of two-hundred dollars (\$200) per day. Workshops are typically two to three consecutive days with the same participants. The rate of pay for SMEs has not been increased since 2004.

The Board does not give CE credit for SME participation in examination development. Both the Dental Board and Psychology Board give CE credit for participation in examination development.

Examination development is an integral part of the licensure program and it is imperative that the Board continues to have a competent and committed pool of SMEs.

7. CE Provider Approval through an Accrediting Body

Many Boards within DCA accept courses provided through “sponsors” approved by specified accrediting entities. These accrediting entities establish stringent requirements for CE provider applicants, including administrative and financial accountability, program development and implementation criteria, and established performance measures for determining program effectiveness. Many of these accrediting entities also perform periodic reviews of approved “sponsors.”

By accepting CE from “sponsors” approved by an accrediting entity, boards are not involved in the approval or maintenance of the CE “sponsors.” Rather, the board relies on the accrediting entity’s standards to ensure the quality of CE provided to licensees.

8. Continuing Competency

In 2010, DCA began the discussion of transitioning healing arts boards from a continuing education model to a continuing competency model for licensure renewal. Continuing competency, at its most basic level, is a model that goes beyond imposing mandatory CE courses and requires that the licensee’s knowledge, skills and clinical performance be assessed to determine areas of needed improvement. Education under the continuing competency model may be gained through different paths beyond the traditional classroom or coursework structure, such as through an examination.

Committee Outcomes

To address the issues above, and the weaknesses in the current CE provider approval process, the Committee has drafted suggested language (Attachment B) that would revise the Board’s CE provider program requirements as defined California Code of Regulations, Title 16, Division 18, Article 8. The drafted language will remove the Board’s authority to directly approve and license providers. This language will also establish the Board’s authority to accept CE credits from providers who have been approved or registered by a Board recognized “approval agency” or by an organization, institution, association or entity that has been recognized by the Board as a continuing education provider. Essentially, this change in the regulation will entrust the review and approval of continuing education providers, coursework and instructors to professional associations and other entities recognized by the Board.

The Board recognized “approval agencies” named in the suggested language have establish stringent requirements for CE provider applicants, including administrative and financial accountability, program development and implementation criteria, and established performance measures for determining program effectiveness. Many of these accrediting entities also perform periodic reviews of approved “sponsor” or providers. By accepting CE from “approval agencies” and accrediting entities, the Board will not be involved in the approval or maintenance of the CE providers. Rather, the Board will rely on the accrediting entities standards to ensure quality of CE provided to licensees.

While the Board will not be directly approving CE providers, the suggested language will give the Board authority to audit coursework and providers. The approving agency and the provider must be able to deliver the specific coursework and provider material when requested by the Board. This language will also give the Board authority to revoke the approving agencies Board recognition if they fail to ensure that the providers that they approve meet the requirements of the Board.

The committee also conducted discussions concerning Continuing Competency, but because of the complexity and importance of this subject, it was decided that the Board would further discussion at a later date.

Proposed Structure

If the proposed language is adopted a Board licensee would now be able to gain CE credit from one or more of the following:

- An accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code.
- A Board recognized approval agency or a continuing education provider that has been approved or registered by a Board recognized approval agency. The following are the Board recognized approval agencies:

National Association of Social Workers (NASW)
Association of Social Work Boards (ASWB)
National Board of Certified Counselors (NBCC)
National Association of School Psychologists (NASP)
American Psychological Association (APA)

- One of the following organizations that are recognized by the board as continuing education providers:

American Association for Marriage and Family Therapy (AAMFT)
American Association for Marriage and Family Therapy-California Division (AAMFT-CA)
California Association for Licensed Professional Clinical Counselors (CALPCC)
California Association of Marriage and Family Therapists (CAMFT)
National Association of Social Workers (NASW)
California Society for Clinical Social Work (SCSW)
California Association of School Psychologists (CASP)
California Psychological Association (CPA)
California Counseling Association (CCA)
American Counseling Association (ACA)

This proposed language would also require entities currently licensed with the Board as CE providers to register and gain approval for CE programs through a Board approved entity. Because of the possible impact to the approximately 2,460 Board registered CE Provider, this final version of this language will include a transition period for those entities to obtain approval.

Recommendation

Conduct an open discussion regarding the attached amendments to the Boards CE program regulations. Direct staff to make any discussed changes and any nonsubstantive changes to the attached amendment.

Attachment

Attachment A: Current Regulations
Attachment B: Suggested Language

ATTACHMENT A
CURRENT LANGUAGE

**ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE
AND FAMILY THERAPISTS, LICENSED CLINICAL SOCIAL WORKERS,
LICENSED EDUCATIONAL PSYCHOLOGISTS, AND LICENSED
PROFESSIONAL CLINICAL COUNSELORS**

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS

(a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4. A licensee may accrue no more than eighteen (18) hours of continuing education earned through self-study courses during each renewal period.

(b) A marriage and family therapist and clinical social worker licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(c) Pursuant to Section 32 of the Code, a marriage and family therapist and clinical social worker licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(d) Any person renewing his or her license on and after January 1, 2004 shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.

(e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.

(f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.

(g) A licensee who takes a course as a condition of probation resulting from disciplinary action

by the board may not apply the course as credit towards the continuing education requirement.

(h) Provisions of this section shall apply to licensed educational psychologists as follows:

(1) Beginning January 1, 2012 and through December 31, 2012 licensees shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal, in accordance with subdivision (d) through (g).

(2) On and after January 1, 2013, licensees shall meet the requirements of subdivision (a) through (g).

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76 Business and Professions Code.

§1887.4. CONTINUING EDUCATION COURSE CONTENT

(a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in Sections 4980.54, 4989.34 4996.22, and 4999.76 of the Code. The content of a course shall also be related to direct or indirect patient/client care.

(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).

(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).

(b) A provider shall ensure that a course has specific objectives that are measurable.

(c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4996.22, 4989.34, and 4999.76, Business and Professions Code.

§1887.5. HOURS OF CONTINUING EDUCATION CREDIT

(a) One hour of instruction is equal to one hour of continuing education credit.

(b) One academic quarter unit is equal to ten (10) hours of continuing education credit.

(c) One academic semester unit is equal to fifteen (15) hours of continuing education credit.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.6. CONTINUING EDUCATION PROVIDERS

A continuing education course shall be taken from:

(a) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or

(b) a board-approved provider with a valid, current approval as provided in Section 1887.7.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.7. BOARD-APPROVED PROVIDERS

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800 37A-633, Rev. 03/10), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.

(d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

(e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.

(f) Board-approved provider numbers are non-transferable.

(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS

(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:

- (1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;
- (2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or
- (3) a provider makes a material misrepresentation of fact in information submitted to the board.

(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is

received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The continuing education appeals committee shall contain three board members, one public member and two members representing two of the three license types regulated by the board. The decision of the continuing education appeals committee is final.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.9. COURSE ADVERTISEMENTS

A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:

- (a) the provider's name;
- (b) the provider number, if a board-approved provider;
- (c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";
- (d) the provider's policy on refunds in cases of non-attendance by the registrant; and
- (e) a clear, concise description of the course content and objectives.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.10. COURSE INSTRUCTOR QUALIFICATIONS

(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

- (1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;
- (2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;
- (3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or
- (4) at least two years' experience in an area related to the subject matter of the course.

(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.11. RECORDS OF COURSE COMPLETION

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

- (a) name of licensee and license number or other identification number;

- (b) course title;
- (c) provider name and address;
- (d) provider number, if a board-approved provider;
- (e) date of course;
- (f) number of hours of continuing education credit; and
- (g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.12. LICENSEE AND PROVIDER COURSE RECORDS

- (a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.
- (b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:
 - (1) syllabi for all courses;
 - (2) the time and location of all courses;
 - (3) course advertisements;
 - (4) course instructors' vitae or resumes;
 - (5) attendance rosters with the names and license numbers of licensees who attended the courses;
 - (6) sign-in sheets; and
 - (7) records of course completion issued to licensees who attended the courses.
- (c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

1887.13 RENEWAL OF EXPIRED APPROVAL

A provider approval that has expired may be renewed at any time within one (1) year after its expiration upon all of the following:

- (a) Filing an application for renewal on a form prescribed by the board.
- (b) Payment of the renewal fee in effect on the last regular renewal date.
- (c) Payment of the delinquency fee in effect on the last regular renewal date.
- (d) Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL

A provider approval that is not renewed within one year of its expiration date may not be

renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

- (a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation; and
- (b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

ATTACHMENT B

Suggested Language for Continuing Education Requirements

ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPISTS, LICENSED CLINICAL SOCIAL WORKERS, LICENSED EDUCATIONAL PSYCHOLOGISTS, AND LICENSED PROFESSIONAL CLINICAL COUNSELORS

§1887. DEFINITIONS

As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.
- (b) A "self-study course" means a variety of forms of organized and directed learning experiences that occur when the instructor and the student are not in direct visual or auditory contact. These include, but are not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondences and home study. means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).
- (c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article. A "provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.
- (d) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.
- (e) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date.
- (f) An "approval agency" means an organization recognized by the board which evaluates and approves each provider of continuing education, evaluates and approves each course offering, and monitors the quality of the approved continuing education courses.

Note: Authority Cited: Sections 4980.60, 4989.34, 4999.76 and 4990.20, Business and Professions Code. Reference: Sections

§1887.1. LICENSE RENEWAL REQUIREMENTS

- (a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.
- (b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.
- (c) Licensed educational psychologists shall be subject to the license renewal requirements of this section as specified:
 - (1) Beginning January 1, 2012 and through December 31, 2012 licensees shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed eighteen (18) hours of continuing education.
 - (2) On and after January 1, 2013 licensees shall meet all of the requirements of subdivisions (a) and (b).

Note: Authority Cited: Sections 4980.60, 4989.34 4990.20, and 4999.76 Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.90 Business and Professions Code.

§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS

- (a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education, of which no more than nine (9) hours may be earned through self-study courses, prior to his or her first license renewal.
- (b) A licensed educational psychologist that renews his or her license beginning January 1, 2012 and through December 31, 2012 shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal.
- (c) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.
- (d) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education Exception – Licensee Application," Form No. 1800 37A-635 (Rev 3/10), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for

exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.

(1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:

(A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 03/10), hereby incorporated by reference.

Note: Authority Cited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; Sections 12944 and 12926, Government Code. Reference: Sections 4980.54, 4989.34, 4996.22 4999.76, Business and Professions Code.

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS

(a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4. A licensee may accrue no more than eighteen (18) hours of continuing education earned through self-study courses during each renewal period.

(b) A marriage and family therapist and clinical social worker licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(c) Pursuant to Section 32 of the Code, a marriage and family therapist and clinical social worker licensee shall take a continuing education course in the characteristics and methods

of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

- (d) Any person renewing his or her license on and after January 1, 2004 shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.
- (e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.
- (f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.
- (g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.
- (h) A licensee who attends the board enforcement case review training may be awarded up to six hours of continuing education every renewal cycle.
- (i) A licensee who acts as a board subject matter expert (SME) for an enforcement case review may be awarded six hours of continuing education per renewal cycle. The continuing education hours earned by acting as a board enforcement case SME may be used to satisfy the law and ethics requirement.
- (j) A licensee who participates in a board examination development workshop may be awarded six hours of continuing education every renewal period.

(k) Provisions of this section shall apply to licensed educational psychologists as follows:

- (1) Beginning January 1, 2012 and through December 31, 2012 licensees shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal, in accordance with subdivision (d) through (g).
- (2) On and after January 1, 2013, licensees shall meet the requirements of subdivision (a) through (g).

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76 Business and Professions Code.

§1887.4. CONTINUING EDUCATION COURSE CONTENT

- a) Courses shall meet the requirements, relevant to each practice, as set forth in Sections 4980.54, 4989.34, 4996.22 and 4999.76 of the Code.
- b) The content of the course shall be based upon methodological, theoretical, research, or practice knowledge base and;
 - (1) Is credibility, as demonstrated the involvement of the broader mental health practice, educations, and science communities in study or applying the findings, procedures, practices or theoretical concepts; or
 - (2) Has been supported using established research procedures and scientific scrutiny; or
 - (3) Is related to ethical, legal, statutory or regulatory policies, guidelines, and standards that impact each respective practices.

~~The content of a course shall also be related to direct or indirect patient/client care.~~

- ~~(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).~~
 - ~~(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).~~
- ~~(c)~~ Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism. Each continuing education course shall have written educational goals and specific learning objectives which are measurable and which serve as a basis for an evaluation of the effectiveness of the course.
 - (d) An evaluation mechanism that allows each participant to evaluate the continuing education course.
 - (e) Courses shall have a syllabus which provides a general outline of the course. The syllabus shall contain at a minimum, the learning objectives for each course and a summary containing the main points for each topic.
 - (f) Courses shall include a mechanism that allows all participants to assess their achievement in accordance with the program's learning objectives.
 - (g) Courses predominately focused on business issues, marketing, or exploring opportunities for personal growth are not eligible for credits.
 - (h) Courses shall not predominately reflect the commercial views of the provider or any person giving financial assistance to the provider.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4996.22, 4989.34, and 4999.76, Business and Professions Code.

1887.41 BOARD RECOGNIZED APPROVAL AGENCIES

(a) The following are Board recognized approval agencies:

- (1) National Association of Social Workers (NASW)
- (2) Association of Social Work Boards (ASWB)
- (3) National Board of Certified Counselors (NBCC)
- (4) National Association of School Psychologists (NASP)
- (5) American Psychological Association (APA)

(b) The Board may recognize other entities as approval agencies if the entity:

- (1) Is an organization that represents a licensed health care profession; and
- (2) Is an organization that has a documented Code of Ethics.
- (3) Has documented procedures for maintaining a continuing education approval program, including, but not limited to:
 - a. Maintaining and managing records and data related to continuing education programs.
 - b. Monitoring and approving continuing education providers and courses.
- (4) Has a means to avoid a conflict of interest between any provider and approval functions.
- (5) Submits a detailed plan of procedures for monitoring and approving provider functions.
- (6) The plan must demonstrate that it has the capacity to evaluate courses to ensure compliance with Section 1887.4
- (7) An entity must submit, in writing, evidence that it meets the qualifications in this subdivision.
- (8) Upon written confirmation from the board that the entity has been recognized, the entity may advertise that it has been recognized by the board.

(c) Failure of the entity to substantially comply with the provisions as set forth in Section 1887.42 shall constitute cause for revocation or recognition by the board. Recognition can be revoked only by a formal board action, after notice and hearing, and for good cause.

1887.42 APPROVAL AGENCIES RESPONSIBILITIES

(a) Board recognized approval agencies shall:

- (1) Evaluate each continuing education provider seeking approval in accordance with the provider's ability to comply with the requirements of section 1187.43 of this Section.
- (2) Maintain a list of the name and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person's identity shall be reported to the approval agency within 15 days of

the effective date of the change.

- (3) Provide the Board with the names, addresses and responsible party of each provider upon request.
- (4) Respond to complaints from the Board, providers or from licensees concerning activities of any of its approved providers or their courses.
- (5) Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the Board and, upon request, report the findings of such reviews to the Board.
- (6) Take action as is necessary to assure that the continuing education coursework offered by its providers meets the continuing education requirements of the Board; and
- (7) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

§1887.43 CONTINUING EDUCATION PROVIDER RESPONSIBILITIES

(a) Persons or entities that provide continuing education shall be:

- (1) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or
- (2) a board recognized approval agency or a continuing education provider that has been approved or registered by a board recognized approval agency for continuing education; or
- (3) an organization, institution, association, or other entity that is recognized by the board as a continuing education provider. The following organizations are recognized by the board as continuing education providers:

- a. American Association for Marriage and Family Therapy (AAMFT)
- b. American Association for Marriage and Family Therapy-California Division (AAMFT-CA)
- c. California Association for Licensed Professional Clinical Counselors (CALPCC)
- d. California Association of Marriage and Family Therapists (CAMFT)
- e. National Association of Social Workers (NASW)
- f. California Society for Clinical Social Work (SCSW)
- g. California Association of School Psychologists (CASP)
- h. California Psychological Association (CPA)
- i. California Counseling Association (CCA)
- j. American Counseling Association (ACA)

(b) Providers shall ensure that each continuing education course complies with the requirements of Section 1887.4

(c) Providers shall furnish each licensee a record of course completion as defined in Section 1887.11.

- (d) Providers shall maintain records of completion of their continuing education courses for four years as defined in Section 1887.12.
- (e) Providers shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.
- (f) Providers shall not discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.
- (g) The provider shall not promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.
- (h) Providers must be able to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency or professional association;
- (i) Providers must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.
- (j) When an approved provider works with others on the development, distribution, and/or presentation of continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (k) Providers are responsible for meeting all applicable local, state and federal standards which include, but are not limited to, the Americans with Disabilities Act.
- (l) Upon written request from the approval agency or the board, relating to an audit of course material, each approved provider shall submit such materials as are required by the approval agency or the board.

§1887.5. HOURS OF CONTINUING EDUCATION CREDIT

- (a) One hour of instruction is equal to one hour of continuing education credit.
- (b) One academic quarter unit is equal to ten (10) hours of continuing education credit.
- (c) One academic semester unit is equal to fifteen (15) hours of continuing education credit.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.6. CONTINUING EDUCATION PROVIDERS

~~A continuing education course shall be taken from:~~

- ~~(a) an accredited or approved postsecondary institution that meets the requirements set forth in~~

~~Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or
(b) a board-approved provider with a valid, current approval as provided in Section 1887.7.~~

~~Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

~~§1887.7. BOARD-APPROVED PROVIDERS~~

~~(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.~~

~~(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800-37A-633, Rev. 03/10), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.~~

~~(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.~~

~~(d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1846 of these regulations.~~

~~(e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.~~

~~(f) Board-approved provider numbers are non-transferable.~~

~~(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.~~

~~Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.~~

~~§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS~~

~~(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:~~

- ~~—(1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;~~
- ~~(2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or~~
- ~~(3) a provider makes a material misrepresentation of fact in information submitted to the board.~~

~~(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The~~

~~revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.~~

~~The continuing education appeals committee shall contain three board members, one public member and two members representing two of the three license types regulated by the board. The decision of the continuing education appeals committee is final.~~

~~Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.~~

~~§1887.9. COURSE ADVERTISEMENTS~~

~~A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:~~

- ~~(a) the provider's name;~~
- ~~(b) the provider number, if a board-approved provider;~~
- ~~(c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";~~
- ~~(d) the provider's policy on refunds in cases of non-attendance by the registrant; and~~
- ~~(e) a clear, concise description of the course content and objectives.~~

~~Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.~~

~~§1887.10. COURSE INSTRUCTOR QUALIFICATIONS~~

- ~~(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:~~
 - ~~(1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;~~
 - ~~(2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;~~
 - ~~(3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or~~
 - ~~—(4) at least two years' experience in an area related to the subject matter of the course.~~
- ~~(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.~~

~~Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

§1887.11. RECORDS OF COURSE COMPLETION

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, grade slips, and transcripts) containing the following information:

- (a) name of licensee and license number or other identification number;
- (b) course title;
- (c) provider name and address;
- (d) provider number, if a board-approved provider; approval agency provider identification, or name of the board recognized provider offering the course;
- (e) date of course;
- (f) number of hours of continuing education credit; and
- (g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

§1887.12. LICENSEE AND PROVIDER COURSE RECORDS

- (a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.
- (b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:
 - (1) syllabi for all courses;
 - (2) the time and location of all courses;
 - (3) course advertisements;
 - (4) course instructors' vitae or resumes;
 - (5) attendance rosters with the names and license numbers of licensees who attended the courses;
 - (6) sign-in sheets; and
 - (7) records of course completion issued to licensees who attended the courses.
- (c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

~~1887.13 RENEWAL OF EXPIRED APPROVAL~~

~~A provider approval that has expired may be renewed at any time within one (1) year after its expiration upon all of the following:~~

- ~~(a) Filing an application for renewal on a form prescribed by the board.~~
- ~~(b) Payment of the renewal fee in effect on the last regular renewal date.~~
- ~~(c) Payment of the delinquency fee in effect on the last regular renewal date.~~
- ~~(d) Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.~~

~~Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.~~

~~1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL~~

~~A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:~~

- ~~(a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation; and~~
- ~~(b) The applicant pays the fees that would be required if applying for approval for the first time.~~

~~Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~